

THE MONASTIC PROPERTIES
AND THE STATE IN THE
BYZANTINE EMPIRE

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I

FROM the little that is known about the social structure of the Byzantine empire in the seventh, eighth, and ninth centuries it has been possible to conclude that the characteristic feature of the rural society of the empire was the free village community, inhabited by peasants who owned their own land and in the most part cultivated it themselves.¹ Large estates continued to exist, however, and their owners constituted the aristocracy whose members occupied the important court and military positions of the empire. But besides this court and military aristocracy there was also a provincial aristocracy. Its existence is well attested by a number of references in the sources. When the city of Patras was besieged by Slavs and Saracens at the beginning of the ninth century those who undertook its defence were the *ἄρχοντες* and the *οἰκότερες*, i.e., the rich and most prominent members among its citizens,² who doubtless constituted the aristocracy of the region. To this aristocracy belonged the wealthy widow, Danelis, called by the chronicles "noble and most wealthy woman," who showered Basil the Macedonian with valuable gifts at the time of his visit to Patras because she had foreseen his future grandeur. Among the gifts which she gave to him there were thirty slaves (*ἀνδράποδα*), and this alone gives a good indication of her vast richness.³ To the provincial nobility, to which the hagiographical literature of the ninth century frequently refers,⁴ belonged also Philaretos of the town of Amnia in Paphlagonia, although his nobility

¹ Peter Charanis, "On the social structure of the later Roman empire," *Byzantion*, 17 (Boston, 1945), 39-57.

² Constantine Porphyrogenitus, *De administrando imperio* (Bonn, 1840), 217. A French scholar has remarked in this connection: "Comment croire en effet, que le sort de la ville la plus riche et la plus importante de la péninsule hellénique au moyen-âge, fût, en de si graves circonstances, abandonné à la décision d'insignifiants personnages? C'est cependant ce qu'il faut dire, si on refuse en bloc à tous les archontes municipaux une place parmi les *δυνατοί*." G. Testaud, *Des rapports des puissants et des petits propriétaires ruraux dans l'empire byzantin au x^e siècle* (Bordeaux, 1898), p. 18, n. 4. More authoritative is the view of the Russian scholar, V. G. Vasilievsky, who points out not only the existence but also the importance of the provincial aristocracy. V. G. Vasilievsky, "Materials for the study of the Byzantine state," *Journal of the Ministry of Public Instructions*, 202 (St. Petersburg, 1879), 163 (in Russian). My knowledge of Russian is very elementary, but I have been able to consult the work of Vasilievsky and those of other Russian scholars with the aid of Mrs. Nathalie Scheffer who very generously read them with me.

³ Theophanes Continuatus, *Chronographia* (Bonn, 1838), 227-8. In most secondary accounts the name of this wealthy widow is spelled Danielis. See, for instance, Charles Diehl, *Figures byzantines*, 1 (Paris, 1930), 160.

⁴ Louis Bréhier, "Les populations rurales au ix^e siècle." *Byzantion*, 1 (Brussels, 1924), 175-190.

must have been of recent origin.⁵ This provincial aristocracy sought to blend itself with that of the court either by buying the necessary titles or by entering the bureaucracy. Some of its members were of peasant origin; they obtained their titles after they had become extremely wealthy. The best known among these are Philocales⁶ and Symeon Ampelas,⁷ both of the second half of the tenth century.

The provincial aristocracy which blended itself with that of the court and the military organization constituted the class known in the legislative monuments of the tenth century as the powerful or *δυνατοί*. To the same class also belonged the high ecclesiastical and monastic officers. In the social and economic structure of the Byzantine empire the monastic and church properties and those who administered them were of the utmost importance. It has been estimated by a competent authority on the internal history of Byzantium that at the end of the seventh century about one third of the usable land of the empire was in the possession of the church and the monasteries.⁸ The iconoclastic movement had checked the expansion of monasticism and confiscated much of the property of the monasteries, but this was only temporary. Monasticism was deeply rooted in Byzantine society and the members of the various monastic houses exerted considerable influence in the society of Byzantium, a fact which contributed greatly in the final defeat of iconoclasm. With the defeat of iconoclasm the monastic establishments began to multiply and their property, acquired through gifts and purchases, to increase so that by the tenth century their landed possessions were perhaps no less than they had been in the seventh century.

It is well known how the emperors of the tenth century tried to check the growth of the large estates, the properties of the powerful, and thereby protect the free peasant holdings and those of the soldiers. Every major emperor from Romanus Lecapenus to and including Basil II, with the exception of John Tzimeskes, issued more than one novel for this purpose. Most of these novels have been preserved and constitute the principal sources for

⁵ M. H. Fourmy and M. Leroy, "La vie de S. Philarète," *Byzantion*, 9 (Brussels, 1934), 113. *Ἦν τις ἄνθρωπος ἐν χώρᾳ τῶν Παφλαγόνων τοῦνομα Φιλάρετος καὶ ὁ ἄνθρωπος ἦν εὐγενὴς τῶν ἀπὸ πόντου καὶ Γαλατικῆς χώρας, υἱὸς ὑπάρχων Γεωργίου τοῦ Φερωνύμου.*

⁶ Zachariae von Lingenthal, *Jus Graeco-Romanum*, 3 (Leipzig, 1857), 310: *καὶ γὰρ εὗρομεν τὸν φιλοκάλην γενόμενον μὲν καταρχὰς τῶν εὐτελῶν καὶ χωριτῶν ἕνα, ὕστερον δὲ τῶν περιδόξων καὶ πλουσίων ὃς ἕως μὲν ὑπῆρχε τῶν κάτω, συνετέλει, τοῖς ἑαυτοῦ συγχωρίταις καὶ οὐδὲν αὐτοῖς ἐκαινοτόμει· ἀφ' οὗ δὲ τοῦτον εἰς τιμὴν ὁ Θεὸς ἀνήγεν ἐβδομαδαρίου, εἴτα κοιτωνίτου, καὶ μετέπειτα πρωταβεσταρίου, καὶ τὸ ὅλον κατέσχε χωρίον καὶ προάστειον ἴδιον ἐποίησεν.*

⁷ Leo Diaconos, *Historiae* (Bonn, 1828), 113. Ampelas had the title of patrician. Cedrenus, *Historiarum Compendium*, 2 (Bonn, 1839), 388: *πατρικίος . . . Συμεὼν ὁ Ἀμπελάς*. The more prosperous peasants often took advantage of the distress of their fellow villagers to absorb their property. Zachariae von Lingenthal, *op. cit.*, 3:248.

⁸ Vasilievsky, *op. cit.*, 222.

the study of the "social struggle" in the Byzantine empire in the tenth century.⁹ This struggle was really one between the imperial authority and the powerful aristocracy, between the central government, which tried hard to preserve the small holdings of the free peasants and soldiers because it considered them an essential element in the health of the state, and the aristocracy which tried to absorb these holdings by any means, fair or foul. Included in this aristocracy were ecclesiastic and monastic dignitaries who administered church and monastic properties.

Already in the powerful novel of Romanus Lecapenus, issued in 935, there is a provision which restricted somewhat the power of the monasteries to expand their landed property. Besides classifying ecclesiastic and monastic dignitaries, such as metropolitans, archbishops, bishops and hegumens, among the powerful (*δυνατοί*) and therefore prohibiting them from acquiring the property of the small peasants,¹⁰ it provided also that if a peasant became a monk and donated his land to a monastery, the monastery could not accept it. The land had to go to the fellow villagers of the tonsured peasant but they were required to pay to the monastery its value in cash.¹¹ This provision, as Vasilievsky rightly observes,¹² doubtless remained ineffective, for the peasants, whose devotion to the church and everything it stood for was proverbial, seldom took advantage of it. Besides, the tendency in the tenth century was for the peasants to sell what holdings they themselves possessed rather than to acquire more. In any case, the provision was not intended to stop the monasteries from extending their landed property. They could still accept gifts from the wealthy or buy land from them. The prohibition to acquire the land holdings of the small peasants imposed upon the ecclesiastical and monastic dignitaries by Romanus Lecapenus was repeated in the novel of Constantine Porphyrogenitus¹³ of 947 but no further disabilities were imposed upon them.

A measure of greater severity, one designed expressly to check the extension of the landed property of the monasteries and to prohibit the establishment of new monastic houses was the novel issued by Nicephorus Phocas

⁹ They are published by Zachariae in the third volume of his *Jus Graeco-Romanum*.

¹⁰ *Ibid.*, 3:246. μηδεὶς οὖν μηκέτι μήτε τῶν περιφανῶν μαγίστρων ἢ πατρικίων, μήτε τῶν ἀρχαῖς ἢ στρατηγίαις ἢ πολιτικοῖς ἢ στρατιωτικοῖς ἀξιώμασι τετιμημένων, μήτε μὴν ὅλως τῶν εἰς συγκλήτου βουλὴν ἀπηριθμημένων, μήτε τῶν θεματικῶν ἀρχόντων ἢ ἀπαρχόντων, μήτε τῶν θεοφιλεστάτων μητροπολιτῶν ἢ ἀρχιεπισκόπων ἢ ἐπισκόπων ἢ ἡγουμένων ἢ ἐκκλησιαστικῶν ἀρχόντων ἢ τῶν τὴν προστασίαν καὶ ἐπικράτειαν τῶν εὐαγῶν ἢ βασιλικῶν οἰκῶν ἔχόντων . . .

¹¹ *Ibid.*, 251. We have given the interpretation of Michael Attaliates. *Ibid.*, p. 242, n. 1: εἰ δὲ προφάσει μονάσαντος ἢ μονάσας βουλομένου χωρίτου προσκυρωθῇ τι χωρικὸν εἰς μοναστήριον, ἢ δικαία τιμὴ τοῦ κτήματος παρέχεται εἰς τὸ μοναστήριον παρὰ τῶν συγχωριτῶν, τὸ δὲ κτῆμα μένει παρ' αὐτοῖς.

¹² Vasilievsky, *op. cit.*, 224.

¹³ Zachariae von Lingenthal, *op. cit.*, 3:252 ff.

in 964, during the first year of his reign. Following is a translation of this remarkable novel.¹⁴

The word of God, the Father, wishing our salvation indicates the way to it and directly teaches us that wealth and our desire for many possessions constitute the greatest obstacles to it. Wishing us to live simply he prohibits us to think not only of the staff and the wallet and another garment,¹⁵ but even of the food of to-morrow. And now, observing what is happening in the monasteries and other holy houses, I note an obvious disease, for it is only by disease that I can describe this greediness. I do not know what treatment for the evil to contrive, nor how to check the avarice. Whom of the Holy Fathers are they following and whose suggestions are they taking that they have come to such an excess and such a folly. They have turned all the attention of their souls to the care of acquiring daily thousands of measures of land, superb buildings, innumerable horses, oxen, camels, and other cattle, making the life of the monk no different from that of the layman with all its vain preoccupations. Does not the word of God say something quite different, and does it not command for us freedom from such preoccupations? Don't care, it says, what you eat or what you drink. Does it not give us as an example the freedom from care of the birds, to our disgrace? Does not the holy Apostle say: "These my hands served for me and for mine";¹⁶ and in another place: "Having food and shelter let us be contented with these."¹⁷ Look with me into the life of the Holy Fathers who once thrived in Egypt, Palestine, Alexandria and in many other places of the world, and you will find that it was simple, so simple indeed that they appear to have been living only with their souls and to have reached the bodily form of angels.

Christ said that the kingdom of God can be reached only with great effort and through many sorrows. But when I see how those who take the vows of monastic life and put on the attire which marks this life turn into lie their vows and by their conduct contradict their aspect, I do not know why I should not call all this an empty theatrical show invented for the derision of the name of Christ. It is not the commandment of the Apostle nor the tradition of the fathers to acquire enormous property and to worry greatly about its produce. This is not in harmony with the virtuous life; it is more of a case of the needs of the body, when the more spiritual yields before the more worldly. Necessity in the course of time becomes intemperance (*ἀμετρία*), just as evil is wont to grow beyond measure from small beginnings. What is then the matter with the people who, moved by the wish to do something to please the Lord and to have their sins pardoned, neglect thus the easy commandment of Christ which enjoins them to be free of cares and, selling their property, to distribute its proceeds among the poor? But instead of following this commandment they make it intentionally more difficult and troublesome and subject themselves to more worries by seeking to establish monasteries, hostels (*ξενώναι*) and houses for the old. In times gone by when such institutions were not sufficient, the establishment of them was praiseworthy and very useful; surely the good done by those who established them was more abiding, for they wished to provide food and care for the bodies of men in the one case, and in the other, to pay attention to the conduct of the soul and the higher life. But when their number has increased greatly and has become disproportionate to the need and people still turn to the founding of monasteries, how is it impossible not to think that this good is not mixed

¹⁴ *Ibid.*, 292–296.

¹⁵ cf. Matthew, 10, 10.

¹⁶ *Acts of the Apostles*, 20, 34.

¹⁷ I Timothy, 6, 8.

with evil and not to say that to the wheat has also been added darnel (ζιζάνια)? And moreover, who will not say that piety has become a screen for vanity when those who do good, do so in order that they may be seen by all the others? They are not satisfied that their virtuous deeds be witnessed by their contemporaries only, but wish also that future generations be not ignorant of them. And who are the people who do these things? Alas! Christians, who, called to good deeds, seek in every way to escape. This is indeed obvious to any one, for at a time when there are thousands of other monasteries which have suffered by the lapse of time and need much help we show no zeal in spending money for their rehabilitation, but turn our attention instead to the creation of new monasteries of our own. And this in order that we may not only enjoy the name of having founded something new, but also because we desire that our foundation should be clearly in evidence and be apart by itself to the end that our name may appear throughout the world and be celebrated in accordance with the divine prophecy.

Accordingly, wishing to arouse you to follow the commandments of Christ, and to tear by the roots this vanity which is hated by God, and thinking that, if we do good, we do it for God and not to please mankind . . . we order those who wish to be pious and perform good deeds in the interest of mankind to follow the command of Christ and, selling their goods, distribute the proceeds thereof to the poor. For He wishes us to be extravagant and beyond measure in what concerns mercy, not only distributing to the needy the money that we have, but having spent it, to turn readily to the sale of our property. But if there are some who love the beautiful and the magnificent (we call this their love of honor (φιλότιμον) and wish to set up monasteries, hostels and houses for the old, they will be prevented from doing so by no one. But, since, as we have said, there are among the existing monasteries many in decay with hardly any part of them standing, let them take care of these monasteries, let them stretch out their hands to them, and let them show their love of God through them. But as long as they disregard these monasteries and, closing their eyes on them and turning to the side against them, to use the words of the Evangile, strive to build others and new ones — that we will neither praise nor allow, for we see in it nothing else than the love of vainglory and evident folly. We command, therefore, care for the established monasteries which are now in ruins and need help, but by this we do not mean that fields, estates and buildings should be given to them. From what has been given to them they have enough of these, but they are not cared for and lie uncultivated because money is lacking. Let those who deem it worthy to take care of these monasteries sell their own estates to whomever among the laymen they may desire and with the money provide for them slaves (οἰκέτας), oxen, sheep and other animals. But if we gave to the monasteries which have suffered and are in bad condition our fields and estates themselves, we shall be exactly where we were before, i.e., we shall have left these monasteries uncared for, since they will have neither the money nor the necessary hands to do anything with their land. They cannot obtain money by selling land, for the law forbids both the monasteries and the churches to sell their property.

Therefore from this moment on it will not be permitted to anyone to grant fields and estates of any kind to monasteries, houses for the poor and hostels, and to metropolitans and bishops, for such grants bring no benefit to them. However, if there are among the existing pious institutions and monasteries some which have no land left because they have been poorly managed — these will not be prevented from acquiring the land which is necessary for them, but they must acquire this land (by gift is meant) after an investigation by and approval of the emperor. The foundation of cells and so called laurae we do not forbid. Indeed, we find it praiseworthy, provided these cells and laurae do not strive to obtain fields and estates beyond their enclosures.

Recommending and legislating these things I know that I shall appear to many to be uttering hard words, words not in harmony with their own thoughts. But I do not care, for in accordance with apostle Paul, I want to please the Lord, not man. However, to those who have sense and understanding and are used to looking not at the surface, but are able to go further and penetrate into the heart of things, we shall appear to be expressing what is useful both to the people who live according to God and to the community as a whole (τῷ κοινῷ πάντι).

It was not out of disrespect for the monastic life or the absence of piety that Nicephorus issued this remarkable novel. Nicephorus was profoundly religious, pious, austere, ascetic and seems to have had, throughout his life, a nostalgia for the cloistre and actually thought of becoming a monk. He venerated his maternal uncle, the monk Michael Maleinos, whose piety had made him famous and who was later canonized by the Greek church. He was the friend and spiritual son of Athanasius, the founder of the monastery of Laura on Mount Athos, and helped him to found his famous monastery. Nicephorus was a sincere admirer of the monastic life.¹⁸

The stern measure which he took against the monasteries was not directed against the monastic life itself. People might still retire from this world and devote themselves to God. Indeed Nicephorus was particularly fond of the hermits. That is the reason why his novel did not prohibit the foundation of single monastic cells or laurae provided they did not seek to acquire property beyond their own particular enclosures. In the Byzantine empire of the tenth century it was not unusual, as it will be presently seen, to find peasants who built small churches for themselves on their own property, embraced the monastic life and devoted the rest of their lives to God. They could still do so under the provisions of the novel of Nicephorus. Nor was it made impossible for them to enter a larger monastery and these were numerous, according to the novel itself.

The novel was primarily directed against the foundation of new large monastic establishments, hostels, and houses for the poor (in those days houses for the poor and hostels were attached to monasteries) and the further acquisition by gifts of landed property by the church and the monasteries. Gifts to monasteries as such were not prohibited; only the giving of land was prohibited. But even this prohibition was not absolute. If it was found that a monastery did not have enough land for its requirements, gifts in land, if previously approved by the emperor, could be given to it.

In issuing this novel the aim of Nicephorus was not primarily to reform or impede the monastic life. That he would have been pleased if the effect of his novel upon the monastic life was salutary there can be little doubt,

¹⁸ Cf. Gustave Schlumberger, *Un empereur byzantin au dixième siècle: Nicéphore Phocas* (Paris, 1923), 252 ff.

as the entire introduction of the novel amply shows, but that was not his principal objective. His aim was primarily economic and political. There were too many monasteries and these already possessed too much land. Much of this land lay fallow because the monasteries did not have the means to cultivate it, and Nicephorus was interested in having the land produce, a condition which was indispensable for the prosperity of the empire as a whole and the payment of the taxes to the treasury. And as the monasteries could not take care of the land which they already possessed to give them more meant to increase the land that lay uncultivated thereby lessening the prosperity of the state and reducing the ability of the treasury to collect the taxes. Nicephorus was a soldier and knew well the importance of the army in the Byzantine setup. But the army required money, and this money came chiefly from taxation. Consequently Nicephorus sought to increase the land under cultivation. That is the reason why he did not prohibit but urged the pious to give their gifts to monasteries in money. With money the monasteries could buy the necessary implements and livestock and hire the labor required for the cultivation of their land. Giving them land meant, under the then existing conditions of most of the monasteries, taking that land out of cultivation. Giving them money meant putting the land which they already possessed under cultivation. The net result would be an increase in the amount of cultivated land and this was doubtless the primary aim of the novel.

The protection of the soldiers against the encroachments of monasteries doubtless also entered into the considerations of Nicephorus. This is shown clearly by another of his novels, that concerning the military holdings of the Armenians. These Armenians were one of the most unstable and roving element among the Byzantine frontier soldiers, the *akritoi*. They often left their holdings and wandered far and wide. Sometimes they came back and laid claims to their former military holdings. In the meantime these holdings were usually given to others and the return of the Armenians created difficulties which threatened to destroy the discipline of the frontier soldiers. In the novel concerning the military holdings of the Armenians, Nicephorus gave instructions on how the Armenians who returned after they had abandoned their holdings should be treated. If they had been away for three or more years and if in the meantime their holdings had been given to other soldiers of merit, they lost every right to them. But if their holdings had been given to some powerful person or to a monastery — in this case the imperial monastery of Lacape^{18a} was involved — as a favor and not because

^{18a} Doubtless a monastery put under imperial protection by Romanus Lecapenus. Lacape, Laqubin, Lakotena, in the theme of Lycandos, halfway between Melitene and Samosata, was

of some public service, they were to be restored to them or to their heirs, notwithstanding any chrysobulls that the new possessors might have in support of their claims. And the period within which the Armenians could claim their holdings was fixed in this case not at three but at thirty years from the time they had gone away.¹⁹ Nicephorus was so much taken up with the army that even in the case of the Armenians whom he thoroughly distrusted he showed no hesitation in supporting them as against other elements, including monasteries, which performed no public services.^{19a}

In the "social struggle" of the tenth century the legislative measures of Nicephorus are usually considered reactionary.²⁰ This opinion is based chiefly upon two other novels which were issued by Nicephorus. The Novel of 967 by which Nicephorus deprived the peasants of the right of preëmption in the sale of property belonging to the aristocracy, a right which had been given to them by Constantine Porphyrogenitus.^{20a} The exact date of the other novel is not known, but by this novel Nicephorus increased the value of the inalienable minimum of a military holding from four to twelve pounds of gold. The reason for this was the introduction of new weapons which made the equipment of a soldier much more expensive than before, but the social effect was to make of the soldiery a lesser nobility.²¹ On the other hand, the measure prohibiting new monastic foundations and all gifts of land to churches and monasteries is thought to have been progressive.²² Progressive indeed it was in so far as it attempted to check the deterioration of the existing monasteries and to improve the economic conditions of the empire by increasing the amount of land under cultivation. But on the major social problem of the tenth century, the problem of protecting the small peasant against the encroachments of the powerful, the measure of Nicephorus made no important contribution. Doubtless, if enforced strictly,

the native town of Romanus Lecapenus. See Henri Grégoire, "Le lieu de naissance de Romain Lécapène et de Digénis Acritas," *Byzantion*, 8 (Brussels, 1933), 572-573.

¹⁹ Zachariae von Lingenthal, *op. cit.*, 3:290. Εἰ δὲ τινα τῶν τοιούτων ἀρμενικῶν τοπίων εἴτε τῇ βασιλικῇ τῆς Λακάπης μονῇ ὡς ἔγραψας ἐπεδόθησαν, εἴτε ἀφωρίσθησαν οἰαισδήποτε κουρατωρεῖαις, ἢ καὶ τιμι τῶν δυνατῶν οὐ διὰ τινος κοινοφελείας δουλείας, ἀλλὰ διὰ μόνην προσπάθειαν ἐδωρήθησαν, τῶν τοιούτων οἱ κληρονόμοι, μὴ μόνον εἰ τριετία διήλθεν, ἀλλὰ καὶ πρὸ τῆς παρελεύσεως τῶν τριάκοντα χρόνων ὑποστρέφοντες, ἐχέτωσαν ἐπ' ἀδείας ἀναλαμβάνειν τὰ ἴδια. κὰν γὰρ λιβέλλους ἐποπτῶν καὶ χρυσοβούλλια ἐπιφέρονται οἱ ταῦτα εἰληφότες διὰ προσπάθειαν, ὡς εἴρηται, τὸ μηδὲν κελεύομεν λογίζεσθαι πάντα καὶ τοὺς τῶν στρατιωτῶν κληρονόμους, τοὺς ἰδίους ἀπολαμβάνειν βουλόμεθα τόπους.

^{19a} See further, O. Tafrali, "Nicephore II Phocas," *Hommes d'Etat*, ed. by A. B. Duff and F. Galy (Paris, 1936), 1:564.

²⁰ Georg Ostrogorsky, "Agrarian conditions in the Byzantine empire in the Middle Ages," *The Cambridge economic history of Europe*, 1 (Cambridge, 1941), 208.

^{20a} Zachariae von Lingenthal, *op. cit.*, 3:296 ff.

²¹ *Ibid.*, 300. ἀπὸ δὲ τοῦ νῦν, ἐπεὶ τὰ τῶν κλιβανοφόρων καὶ ἐπιλωρικοφόρων κίνισιν ἔλαβε, διακελευόμεθα, μὴ ἔχειν ἐπ' ἀδείας μηδένα ἀπλῶς στρατιώτην ἀλλαχοῦ διαπιπράσκειν ἀπὸ τούτου ἀκίνητον ὑπαρξιν, εἰ μὴ ἐπέκεινα ἔχει ἰβ' λιτρῶν ἀκίνητον εὐπρόσοδον περιουσίαν.

²² Ostrogorsky, *op. cit.*, 208 f.

it could prevent the establishment or growth of large monasteries in free peasant communities. This was important, for such monasteries, as Basil II observed some years later, almost always absorbed the free peasant holdings, contributing thus to the disappearance of the free peasantry. But all this had already been provided for in the famous novel of Romanus I of 935. None of the powerful, and these included the high monastic and ecclesiastical officers, hegumens, bishops, archbishops and metropolitans, could legally acquire any of the property of the small peasants, whether by purchase or gift. Moreover, a peasant who decided to become a monk could not grant his land to his monastery; the land remained with his fellow villagers, although the latter were required to give to the monastery a sum equivalent to the value of the land. To all this the Novel of Nicephorus made no radical innovations. Indeed, it seems quite plausible that in issuing this novel, Nicephorus had in mind large and important donations, donations that could be made only by the wealthy. At least that is the impression which is created by that part of the novel where Nicephorus charges that those who sought to found new monasteries or grant lands to old ones did so in order to acquire fame. The modest cells that the peasants might found could hardly be considered to bring fame to their founders. Nicephorus' novel was an important economic and social measure, but its objective was not primarily to protect the small peasant proprietors. What Nicephorus had chiefly in mind were the interest of the state and the army.

The novel of Nicephorus remained in force until 988 but it is questionable if it was enforced by the immediate successors of Nicephorus.²³ Basil II finally repealed it.²⁴

²³ In Cod. Vindob. suppl. 47 and 48 of this novel, at the end, there is this note: ὅρα αὖτη ἡ νεαρὰ κατηγορήθη παρὰ τοῦ τζιμισχῆ κακῶς δέ. (Zachariae von Lingenthal, *op. cit.*, vol. 3, p. 292, note 1.) This note is doubtless the reason why Schlumberger [*L'épopée byzantine à la fin du dixième siècle*, 1 (Paris, 1896), 728] and Ostrogorsky (*op. cit.*, 209) hold that the bold novel of Nicephorus Phocas had been repealed by John Tzimiskes. If Tzimiskes actually repealed the novel of Nicephorus then it must be supposed that it was reissued after his death, a supposition for which there is no evidence. Nor is there any additional evidence, besides this note, that Tzimiskes formally repealed this novel. It is known indeed that at the time of his coronation Tzimiskes made some ecclesiastical concessions to the patriarch Polyeuct, but these consisted in the repeal of the laws of Nicephorus Phocas which forbade the church officials to make any decisions and to name or promote anyone to an ecclesiastical office without the consent of the emperor. P. Charanis, "Coronation and its constitutional significance in the later Roman empire," *Byzantion*, 15 (Boston, 1941) 60. It is more than likely that Tzimiskes did not enforce this law, and this, plus the concessions which he made to the patriarch, could easily lead to the belief that this law of Nicephorus was formally repealed by him. Vasilievsky (*op. cit.*, 228) says that the law of Nicephorus was formally repealed in 988 and expresses the view that it was probably not enforced by Tzimiskes. A. Vasiliev [*Histoire de l'empire byzantin* (Paris, 1932), 1:444] also attributes the repeal of this law to Basil II. Besides, the author of the Vindob. note may have confused Tzimiskes with Basil II.

²⁴ Zachariae von Lingenthal, *op. cit.*, 3:303-304.

Our majesty [writes Basil in his novel of repeal issued in 988] having learned . . . that the law of Nicephorus concerning the churches of God and the pious institutions, a law whose issuance was unjust and insolent not only to the churches and the pious institutions but to God Himself, has been the cause and source of the present evils and of the general upheaval and disturbance (since its enactment to the present day no good whatsoever has happened among us, but to the contrary there has been no lack of every kind of misfortune), decrees by the present pious, (imperial) chrysobull signed by our hands, that the above mentioned law is henceforth to be null and void. There are to come into operation again the laws concerning churches and pious foundations which were in effect before the issuance of this law, i.e., the laws which the grandfather of our majesty, his father and grandfather most excellently and piously enacted.

The evils, the upheavals, and the disturbances of which Basil speaks in this chrysobull doubtless refer to the awful devastations which the empire suffered during the early years of the reign of Basil. From 976 to 980 all of Asia Minor was ravaged by the terrible revolt of Bardas Skleros which brought in its wake destruction, ruin, and famine. In the European provinces of the empire the Bulgarians were spreading ruin and terror everywhere and the first attempt of Basil to check them resulted in disaster. Then in late summer of 987 came the revolt of Bardas Phocas. Meanwhile Bardas Skleros had escaped from Bagdad and once again raised the standard of revolt. The two rebels joined hands, but their coöperation did not last long, for Skleros fell victim to the treachery of Phocas who imprisoned him while he carried on the war against Basil for almost two years, ravaging Asia Minor and threatening Constantinople itself. It was only with the aid of six thousand Russian warriors which Basil obtained from Vladimir after negotiations whose consequences were of world significance that Basil was finally able to put down his indomitable foe. But when he issued his measure repealing the novel of Nicephorus, Phocas was still undefeated and threatened to take the capital.²⁵ In those days when piety and superstition were indistinguishable Basil may have well believed that all the evils that had befallen his empire were due to the impious novel of Nicephorus which he had failed to repeal. But it is not improbable also that by his measure of repeal Basil sought to win the support of the clergy and the monks against Bardas Phocas who represented the tradition of Nicephorus and whose nephew he was. Other measures of Basil taken after his formidable opponents had been crushed show that he was not afraid to risk the wrath of God in serving the interests of the State.

In less than ten years after the issuance of his measure repealing the novel of Nicephorus Basil issued another measure which revived to some extent the monastic policy of Nicephorus.²⁶ Basil had found that the founda-

²⁵ Schlumberger, *L'épopée byzantine*, 1:354 ff; 726 ff.

²⁶ Zachariae von Lingenthal, *op. cit.*, 3:313-315.

tion of new monasteries was one of the forces which threatened the extinction of the free peasant class. Accordingly, in the novel which he issued in 996, a novel designed to protect the free peasant class against the encroachments of the powerful, he devoted a paragraph of considerable length to the question of monastic foundations in the free peasant communities and in effect restricted the acquisition of new landed property by the monasteries. Following is a translation of the paragraph in question.

It has been called to the attention of our majesty by reports from almost every theme that many of the villages find themselves injured and wronged: that some of them are on the point of extinction; and that the cause of this is to be found in the monasteries. For, as they say, it happens in many of the villages that a peasant builds a church on his land and with the permission of his fellow villagers grants to it all his property, then becomes a monk and spends the rest of his life there. This is done by another villager and still by another and so gather there two or three monks. When these monks die the local metropolitan and bishop take over the church and call it a monastery. The metropolitans or bishops by holding such monasteries or by granting them to the powerful as gifts injure and wrong and destroy the villages. Therefore we order that all the houses of prayer (we refuse to call them monasteries), built in this way should be returned to the peasants (*πένησιν*) and that the claims of the metropolitans or bishops be set aside. And if the metropolitans or bishops have granted them as gifts to some personages (*προσώποις τισίν*), the latter should be driven out, even if they have held them for a long time, for in this we order that the law of prescription should not be applied. The houses of prayer, as we have said, must be returned to the villagers; they will remain houses of prayer but under the jurisdiction of the village communities, and they must house no more monks than they housed before. The only rights that the metropolitans and bishops can enjoy in these houses of prayer are these: the right of having their names mentioned during the liturgy; the right of performing ordinations; and the right of correcting the transgressions of the monks if there should be any transgression. However, they cannot receive the customary contributions (*τὴν συνήθειαν*) or any other contributions which they receive from monasteries. On the other hand the villages must have no more monks in these houses of prayer than there had been before. However, if to some of these houses of prayer have been added cells and they have, besides, received donations from the emperor, these may remain under the metropolitans or bishops under whom they are now on condition that they are not transferred to another person. This is not strictly in conformity with the law, but it is allowed because of the imperial solicitude with which these houses of prayer have been honored. The metropolitans and bishops, although this too is not in strict conformity with the law, may also keep the monasteries which, having been built in this way, became subsequently large with eight or ten monks because many of the neighbors took the monastic vows and came to live there, granting to them their property. In addition, the metropolitans and bishops may grant or transfer these monasteries to whomever they may wish. We allow this provided that such monasteries had and now have more than eight or ten monks and the actual means for their support, for they cannot make new acquisitions since they have been prohibited from doing so by our great grandfather, the emperor Romanus the Elder and now by our own majesty. We shall not permit it, if, following the publication of our present order and because we have defined as monasteries those houses that have more than eight or ten monks, the metropolitans and bishops assigned more monks to the houses of prayer. We shall not

allow this even if these houses of prayer have enough land to take care of all the monks assigned to them, but we shall still consider them houses of prayer and under the jurisdiction of the villages. Concerning the independent and great ancient monasteries we order that they remain, as in the past, under the authority of the metropolitans or bishops who may present or transfer them to whomever they may wish, although they may not have a sufficient number of monks, or, because of the neglect of this or that metropolitan or bishop, no monk at all.

The novel of Basil II is less drastic and less general in its provisions concerning the monasteries than that of Nicephorus. While Nicephorus prohibited the foundation of all new monastic houses and forbade the old ones to acquire new landed properties, Basil was less ambitious and more restricted in his aims. He was primarily concerned with the monastic foundation in the free peasant communities, which he tried to prevent from growing into larger units, absorbing thereby the land holdings of the peasants. By his novel Basil struck against one of the most effective indirect methods employed by the powerful to take possession of the property of the free peasants. The simple houses of prayer which many a peasant founded on his property were claimed by the ecclesiastical hierarchy on the ground that they were monasteries and then granted them to powerful laymen as *kharistikia* and the latter doubtless used them to exploit the piety of other peasants and thereby absorb their property. It was this evil that Basil tried to extirpate. Of all the emperors of the tenth century Basil II was the sternest in his fight against the aristocracy.²⁷ The various measures which he took were designed not only to protect the poor peasants, but also to crush the aristocracy. When, after 987, Basil was reconciled with Bardas Skleros the latter advised him that, if he wished to preserve the imperial authority, he should permit no one of the aristocracy to prosper and should exhaust their means by heavy taxes.²⁸ By his various measures Basil tried to put this advice into effect.

II

Basil II died in 1025 and with his death came the end of the most glorious period in the history of the Byzantine empire. His death was also followed by a reaction in favor of the aristocracy, a reaction which saw the formal repeal of Basil's strongest law against the aristocracy,²⁹ that concerning the *allelengyon*, i.e., the obligation of the powerful to pay the tax arrears of those peasants who were too poor to meet their own taxes, and the failure to enforce the other social legislations issued in the tenth century, although

²⁷ Ostrogorsky, *op. cit.*, 209.

²⁸ M. Psellos, *Chronographie*, ed. and tr. into French by E. Renauld (Paris, 1926), 1:17.

²⁹ Cedrenus, *Historiarum Compendium* (Bonn, 1839), 2:486.

the latter were not formally repealed. At the same time the sense of security and the feeling that the maintenance of a powerful army was no longer necessary,³⁰ created by the great military triumphs of the tenth century, the crushing of the Saracens and the Bulgarians and the pushing of the frontiers to the Euphrates and the Tigris in the east, to the Danube in the Balkans, led to the neglect of the army. The conflicts between the military and the civil parties which ensued over the issue of the army weakened the central government both in the capital and in the provinces and contributed not a little in bringing about the great disaster at Mantzikert. During this period of false security and consequent political instability and foreign invasions there began also to appear the first of many chrysobulls which were issued to the monasteries by the various emperors. These chrysobulls, which may be defined as charters, usually defined and confirmed the properties in possession of this or that monastery, sometimes added to them, and often granted to the monasteries to which they were issued exemptions from the various obligations, taxes, and *corvées*, which these monasteries owed to the government for their property, and independence from the judicial administration. A great many of these chrysobulls have been preserved, most of them belonging to the period from the second half of the eleventh century to the end of the fourteenth century. They constitute one of the most priceless sources for the study of the agrarian conditions, the taxation system, the ethnic composition, and society in general of the Byzantine empire during this period.

The tax and judicial immunities granted to the monasteries are known in the Byzantine documents by the technical term of *exkuseia* (ἐξκουσεία), doubtless the hellenized form of the Latin *excusatio* (*excusare*).³¹ Of the documents published by Miklosich and Müller the earliest that refers to this institution, although the term itself is not used, is the chrysobull of Constantine IX Monomachos which was issued in June, 1045, to the monastery of the Mother of God, *Nea Moné*, in the island of Chios.³² By this chrysobull the monastery was granted immunity from the judicial jurisdiction of the officials of the government who were thenceforth not to molest, or enter the property of, the monastery. However, it was not until the second half of the eleventh century that the form of *exkuseia* became crystallized,

³⁰ With Constantine IX Monomachos peace became the keynote of the imperial foreign policy. Psellos, *op. cit.*, 1:151 f.

³¹ C. Uspensky, "Ekskussiia-immunitet v Bizantiiskoj imperii," *Vizantiiskij Vremennik*, 23 (Petrograd, 1923), 76. A. Vasiliev, "On the question of Byzantine feudalism," *Byzantion*, 8 (Brussels, 1933), 593.

³² F. Miklosich et J. Müller, *Acta et Diplomata Graeca Medii Aevi*, 5 (Vindobonae, 1887), 2 ff.

and the term itself used in the documents which henceforth become more and more numerous. This documentary material has formed the basis for the belief that the Byzantine immunity made its appearance and assumed its definite form in the second half of the eleventh century, having arisen, as some think independently in Byzantium, out of the disturbed conditions of the eleventh century³³ or, in the opinion of others, borrowed from the west.³⁴ But C. Uspensky found documentary traces of the existence of the *exkuseia*, although the name itself was not used, belonging to the ninth and early tenth century, at the time when the monastic establishments in the empire, according to the same author, reached the apogee of their power. In his opinion, supported also by A. Vasiliev, the *exkuseia* may have developed out of the various privileges granted to the Christian clergy in the fourth century.³⁵ For the absence of ample documentary evidence for this period Uspensky offers two explanations: (1) that the documents once existed but have since disappeared, for in general the documentary material of the empire before the eleventh century has not been preserved; or (2) such documents were never issued because the monasteries were so secure in their position that they were not needed. In either case their absence does not mean that the *exkuseia* did not exist before the eleventh century. Nor does their existence for the eleventh century mean that the institution of *exkuseia* appeared for the first time in that century.

The increase in the documentary material concerning the *exkuseia* in the second half of the eleventh century may indicate, again according to Uspensky, that the position of the monasteries in that period changed for the worse.³⁶ The disturbed political conditions of the period doubtless lessened the security of the monasteries and it was in order to protect themselves against any encroachments on their properties or any infringement against their privileges that they sought and obtained special chrysobulls which defined their properties and confirmed the privileges, including the immunities, which they enjoyed. The privileges granted to monasteries were not always respected by the local functionaries and that is the reason

³³ P. A. Yakovenko, *K istorii immuniteta v Vizantii* (Yuryev, 1908) 31–71, as summarized by C. Uspensky (*op. cit.*, 100) and Vasiliev ("On the question of Byzantine feudalism," 593).

³⁴ N. S. Suvorov in his long review of Pierre Grenier, *L'empire byzantin, son evolution social et politique* in *Vizantiiskij Vremmenik*, 12 (St. Petersburg, 1906), 227–228 (in Russian).

³⁵ C. Uspensky, *op. cit.*, 95 ff; Vasiliev, "On the question of Byzantine feudalism," 594 f. The theory of Uspensky is confirmed by the edict issued by Justinian II in 688 in favor of the Church of St. Demetrius of Thessalonica by which a *salina* (*ἀλική*) was granted to that church. The *salina* was to be *παντελευθέρα*, i.e., free from any charges. A. Vasiliev, "An edict of the emperor Justinian II," September, 688, *Speculum*, 18 (Cambridge, Mass., 1943), 6.

³⁶ C. Uspensky, *op. cit.*, 95.

why the monasteries repeatedly asked and obtained confirmation of their privileges. The complaints of Theophylact of Bulgaria against the violence of the officials and his appeals to important personages for relief are well known, and there are documents which show that the imperial orders were not always observed and consequently were repeated.³⁷ This is true not only of the eleventh and twelfth centuries; but of the later period also, as is shown by the imperial order, issued in 1233 to the Duke of the Thrakesion theme, ordering him not to molest the *paroikoi*, i.e., dependent peasants, and the monks of the monastery of Lemvo near Smyrna, and to cease imposing on them various obligations, obligations from which they had been specifically exempted.³⁸

But it was not only from the local officials and other persons that the monasteries had to fear. The emperors themselves did not always respect the chrysobulls held by the monasteries, as is shown by the novel of Nicephorus, already cited, concerning the military holdings of the Armenians. During the second half of the eleventh century when the imperial government was in a bad financial condition, while the demands on the treasury were increasing daily, the fact that monasteries possessed chrysobulls which defined and confirmed their privileges and properties was no guarantee that their property rights would not be violated. For money was needed with which to reorganize the army in order to meet the ever-growing external danger,³⁹ and one of the ways by which this money could be raised was by the confiscation of the monastic properties.

This step was taken by Isaac I Comnenus (1057–1059) who was raised on the throne by the military party. Isaac realized that what the empire needed most was an army. The once-powerful Byzantine army had been dealt a body blow during the reign of Constantine IX Monomachus (1042–1055). The profession of the soldier which in the great days of Byzantium carried with it prestige, honor and position had by this time no value, and so, as Skylitzes puts it, “the soldiers put aside their arms and became lawyers or jurists.”⁴⁰ But to reorganize the army funds were needed, and to obtain

³⁷ M. Goudes, “Βυζαντινὰ ἔγγραφα τῆς ἱερᾶς Μονῆς Βατοπεδίου,” *Ἑπετηρίς Ἑταιρείας Βυζαντινῶν Σπουδῶν*, 3 (Athens, 1926), 131 f.; L. Petit, “Le monastere de Notre Dame de Pitie,” *Izvestiya Ruskogo Arkheologicheskago Institute v Konstantinopole*, 6 (Sofia, 1900), 34 ff.

³⁸ Miklosich et Müller, *op. cit.*, 4:214. For the date see F. Dölger, “Chronologische und Prosopographisches zur byzantinischen Geschichte des 13. Jahrhunderts,” *Byzantinische Zeitschrift*, 27 (Leipzig, 1927), p. 314, n. 127.

³⁹ The two fundamental books on the position of the empire in the eleventh century are: C. Neumann, *Die Weltstellung des byzantinischen Reiches vor den Kreuzzügen* (Leipzig, 1894). French translation (Paris, 1905). N. Skabalanovich, *Byzantine state and church in the eleventh century* (St. Petersburg, 1884) (in Russian).

⁴⁰ Cedrenus, *op. cit.*, 2:652.

these funds, Isaac seized the properties of the monasteries. Following is a translation of the passage of Michael Attaliates where he describes, not without approval, the measures taken by Isaac Comnenus to ameliorate the conditions of the treasury.⁴¹

When Isaac succeeded to the throne he turned his attention to the expenditures of the empire and the magnitude of the requirements for the maintenance of the army. He was faced by wars which entailed large expenses, for the enemies were on every side excited against the Romans and were prevailing over them. He saw that he would be in need of money and considered that its acquisition in the largest sums was indispensable and for this reason he came to be deemed by those who owed to the treasury a severe levier of taxes. He was also the first to restrict the distribution of titles, and, like an insatiable hunter, he searched for money everywhere. He took care also to be economical and to provide the crown with additional lands. For this reason he confiscated the property of many private persons, disregarding the chrysobulls which confirmed them in their possession of it. He put his hands also on some of the monasteries whose large and rich properties were in no way inferior to those of the crown. He took away much of their property, justifying himself by saying that he left enough for the monks and the monasteries, and thus added to the imperial belongings. This act, which seemed to be unlawful and dishonest and to the pious directly equivalent to sacrilege, had no bad results in the eyes of the people who looked at things with seriousness. It appeared to be profitable in two ways: (1) By freeing the monks from the worries which did not correspond to their way of life, it turned away from gain those who have been trained to live in poverty without depriving them of the indispensables for life. At the same time it freed the neighboring peasants from a heavy burden, for the monks, relying upon their extensive and wealthy estates, were wont to force them to abandon their lots. The monks were sick with insatiety which reached the point of passion. If ever they were brought to court they prevailed over their opponents and won praise because of their vast estates and the influx of money, money which they could use without giving any account. And (2) by this measure the public treasury which was forced in divert ways to spend its own with open hands obtained an addition and relief which was not inconsiderable without doing any harm at all to others.

The primary purpose of the measure taken by Isaac was, of course, to find revenues for the treasury, but it is interesting to note that the protection of the peasants entered also into consideration. Indeed, the measure was not taken for the protection of the peasants, but the confiscation of monastic properties removed the influence of the monasteries on the neighboring peasants and produced that effect. On the basis of this passage from Attaliates and the novel of Basil II of 996 it appears that the monasteries were among the worst offenders in the virtual elimination of the free peasantry in Byzantium. Their influence in this connection was to grow still stronger in the centuries that followed.

Isaac gave up his throne in 1059, and his immediate successors seem to

⁴¹ Michael Attaliates, *Historia* (Bonn, 1853), 60-62.

have abandoned his bold policy concerning the properties of the monasteries. It was said of Constantine X Ducas (1059–1067) that he was a friend of the monks beyond measure.⁴² However, if monastic properties were not confiscated outright, whole monasteries were granted as gifts to important personages by the emperor. For instance, the Logothetes Nicephorus, the favorite of the emperor Michael VII Ducas (1071–1078), distributed honors and *pronoiae*, i.e., revenue producing grants given to persons, usually, but not always military, for services rendered or to be rendered, freely, and had himself granted the monastery of Hebdomen which he made the center of his vast possessions.⁴³

The bold financial policy of Isaac was revived by his more famous nephew, the emperor Alexius I Comnenus (1081–1118). When Alexius ascended the throne the finances of the empire were in a state of bankruptcy while formidable enemies surrounded the empire from every side.⁴⁴ Alexius had sought relief at first by confiscating some of the sacred vessels of the church and converting them into money. But no sooner had he done this than he repented, doubtless under the pressure of the discontent that his measure must have aroused, returned an amount equal to the value of the confiscated vessels to the church, and issued a novel condemning his own action and making it unlawful in the future to touch the sacred vessels of the church.⁴⁵ Evidently Alexius did not think that this novel applied to him, for, after the capture of Durazzo by Robert Guiscard in 1083, he again seized some of the sacred vessels of the church. He justified his action on the ground that “it was lawful to sell the sacred properties of the churches for the ransoming of prisoners of war.” Leo of Chalcedon who violently opposed this action was eventually removed from his see.⁴⁶

The seizure of sacred vessels was only one method employed by Alexius to replenish his treasury. Other measures included the debasement of the coinage, the vigorous collection of the taxes and a general survey of landed property aimed at a better precision of the taxes and the recovery of public property illegally seized by private individuals. But more important perhaps was the seizure of some of the landed property of the church, monasteries and certain laymen. This is well known not only from the general

⁴² *Ibid.*, 76.

⁴³ *Ibid.*, 201: ἦν γὰρ . . . καὶ κτήσεων ἀκινήτων χανδὸν ποιούμενος τὴν ἐπίκτησιν. ὧν ἀκορέστως ἐχόμενος κέντρον καὶ ταμεῖον τῆς τῶν λοιπῶν αὐτοῦ κτήσεων ἐπισυναθροίσεως τὴν τοῦ Ἐβδόμου μονήν. ταύτην γὰρ λαβὼν κατὰ δωρεάν . . .

⁴⁴ Anna Comnena; *Alexiad* (Bonn, 1839), 1:164.

⁴⁵ Zachariae von Lingenthal, *op. cit.*, 3:355–358.

⁴⁶ Anna Comnena, *op. cit.*, 1:226 ff. Cf. V. Grumel, “L’affaire de Léon de Chalcédoine: le chrysobulle d’Alexis 1^{er} Comnène sur les bien sacrés,” *Études Byzantines*, 2 (Paris, 1944), 126–133.

literature of the period but also from monastic and other documents. In one of his letters Theophylact of Bulgaria writes: "I have found the village, which from ancient times belonged to the church and was not inscribed in the census, taken away from the church by the emperor, as he has taken away the property of the nobility."⁴⁷ The general import of this statement has been recently questioned by a very competent authority, who urges that the seizure of the village spoken of by Theophylact was perhaps the result of the new survey of landed property which showed that the village did not legally belong to the church of Ochrida.^{47a} Still there is little doubt that Alexius resorted to confiscations in order to meet the needs of the treasury. This is clearly indicated by a document of Vatopedi. The document bears no date, and does not mention the name of the emperor who issued it, but it seems very probable, as the editor thinks, that it was issued by Alexius. Now it is clearly stated in this document that land belonging to Vatopedi was confiscated because the treasury was empty and means were needed in order to fight the many enemies who threatened the empire.⁴⁸ There can be no doubt that Alexius was anxious to create a coterie of friends, with the members of his family as the nucleus, upon whom he could rely and to whom he could entrust the administration and defense of the empire. The lands which he confiscated he distributed to these friends and relatives. "To his relatives and favorites," writes Zonaras, "Alexius distributed the public goods by wagon full; he granted to them sumptuous annual revenues. The great wealth with which they were surrounded and the retinue which was assigned to them were more becoming of kings than of private individuals. The houses which they acquired appeared like cities in size and were no less magnificent than the imperial palace itself. But to the rest of the nobility he did not show the same beneficence."⁴⁹ Indeed, as is known from the chrysobulls issued by Alexius himself, whole territories

⁴⁷ Theophylact of Bulgaria, *Epistolae*, in Migne, *Patrologia Graeca*, 126:533, letter 20: Ἐγὼ γὰρ, αὐθέντη μου, τὸ χωρίον ὃ ἐξ ἀρχαίων τῶν χρόνων κατείχεν ἡ ἐκκλησία, μηδὲ πρακτικῶ ὑποκείμενον, ἀφαιρεθὲν παρὰ τοῦ βασιλέως εὖρον καὶ τῆς ἐκκλησίας ἀποσπαθὲν ὥσπερ οὖν καὶ τὰ τῶν ἀρχόντων πάντων. Migne's *Patrologia Graeca* is cited hereafter as *MPG*.

^{47a} G. Rouillard, "Notes et discussions à propos d'un ouvrage récent sur l'histoire de l'État byzantin," *Revue de Philologie de Littérature et d'Histoire Anciennes*, 16 (Paris, 1942), 177 ff.

⁴⁸ Goudes, *op. cit.*, p. 128, n. 4. Cf. F. Dölger, "Chronologisches und Diplomatisches zu den Urkunden des Athosklosters Vatopedi," *Byzantinische Zeitschrift*, 39 (1939), 328 f.

⁴⁹ Zonaras, *Epitomae Historiarum*, 3 (Bonn, 1897), 767. ὁ δὲ τοῖς μὲν συγγένεσι καὶ τῶν θεραπόντων τισὶν ἀμάξαις ὅλαις παρέιχε τὰ δημόσια χρήματα καὶ χορησίας ἐκείνοις ἀδράς ἐτησίους ἀπένειμεν, ὡς καὶ πλοῦτον περιβαλέσθαι βαθὺν καὶ ὑπηρεσίαν ἑαυτοῖς ἀποτάξαι οὐκ ἰδιώταις, ἀλλὰ βασιλεῦσι κατάλληλον, καὶ οἴκους προσκτήσασθαι, μεγέθει μὲν πόλεσιν ἐοικότας, πολυτελείᾳ δὲ προσκτήσασθαι βασιλείων ἀπεικόςτας οὐδέν· τοῖς δὲ λοιποῖς τῶν εὐ γεγονότων οὐχ ὅμοιαν ἀνεδείκνυτο τὴν προαίρεσιν.

were sometimes included in these grants. It is known, for instance, that the entire peninsula of Cassandra was granted by Alexius to his brother Adrian. Included in this grant were all the public lands located in the peninsula and all the public revenues derived from the land privately owned. The status of the private land did not change, but the taxes on it were no longer payable to the imperial treasury but to Adrian. Indeed, the chrysobull from which this information is obtained was issued in 1084 to the monks of Laura, whose landed possessions in the peninsula of Cassandra were considerable, in order to assure them that the grant of Cassandra to Adrian did not mean that they became his dependents (*paroikoi*).⁵⁰ The grant of Cassandra is one of the earliest examples of the appendage system in Byzantium.

The gifts of land to Leo Kephalas is another illustration of the policy of Alexius to win friends and supporters by liberal grants. Leo Kephalas was a high functionary and during the reign of Nicephorus Botaneiates (1078–1081) he obtained from the emperor some public land (*κλασματικὸν τόπον*),^{50a} but before he took possession of it Nicephorus was overthrown. Kephalas now appealed to Alexius and by a chrysobull issued in 1081, the latter confirmed the grant made to Kephalas by Botaneiates. Kephalas was designated the absolute owner of this land for which he was to pay a tax of four and one half nomismata, but was to be free from all other charges and obligations.⁵¹ Three years later Kephalas obtained from Alexius another piece of land, an estate located at Mesolimna near Thessalonica. This estate had originally belonged to the Frank Othon and Leo Baasprakanites but it had been taken from them on the ground that they were traitors.⁵² This is a striking illustration of the policy of Alexius of confiscating the land of the nobles whom he could not trust and rewarding those in whom he had confidence and who rendered him valuable service. In 1086 still another estate, the village of Chospiane, with complete and perpetual exemption of all

⁵⁰ This document was first edited by Vasilievsky in *Vizantiiskij Vremennik*, 3 (St. Petersburg, 1896), 121. τὰ ταύτης ἐντὸς τῷ δημοσίῳ ἀνήκοντα σύμπαντα τῷ πανσεβάστω προτοσεβαστῷ κυρίῳ Ἀδριανῷ, τῷ περιποθῇτῳ αὐτῆς αὐταδέλφῳ, ἡ βασιλεία μου ἐδωρήσατο, καὶ τὸν παρὰ τῶν οἰκητόρων τῆς τοιαύτης νήσου ἐτησίως τελούμενον τοῦ δημοσίου κανόνα τῷ προσώπῳ τε καὶ τῷ μέρει αὐτοῦ ἐλογίσατο, ὥστε πρὸς τοῦτον αὐτὰ τελεῖσθαι καὶ καταβάλλεσθαι. The document has been reedited by G. Rouillard and Paul Collomp, *Actes de Laura* (Paris, 1937), 104 ff.

^{50a} *κλασματικὸς τόπος* or *κλάσμα* were technical terms in the financial administration of the empire. According to the principle of the *epibole* the neighbors of an abandoned piece of land were required to pay the land tax on that land. But it was found by experience that the carrying out of this principle led to the withdrawal of more taxpayers, and to prevent this the government, in many instances, gave up taxing abandoned property. If a piece of abandoned property did not pay taxes for thirty years, it was considered to belong to the state and was known as *κλασματικὸς τόπος* or *κλάσμα*. Ostrogorsky, *op. cit.*, 203.

⁵¹ Rouillard and Collomp, *op. cit.*, 99.

⁵² *Ibid.*, 104.

charges, prestations, and *corvées*, was given to Kephalas. This was his reward for his defense of Larissa against Bohemond.⁵³ Grants such as those awarded to Kephalas may have been rare, but the example of Kephalas shows definitely that Alexius resorted to them in order to win supporters.

There can be no doubt, therefore, that some of the land granted by Alexius to his followers was obtained by the outright confiscation of lands belonging to the church, the monasteries, and members of the lay nobility. But besides outright confiscation Alexius resorted to another method of obtaining the means with which to reward his partisans. This was an old Byzantine institution and consisted in the grant of whole monasteries together with all their properties to an outside individual, either lay or ecclesiastic, doubtless the former in the case of Alexius. This was not a confiscation, for the monasteries remained monasteries and did not lose title to their properties, but their management was put under the direction of the individuals to whom they were granted, who, while undertaking to support the monks and maintain the buildings, appropriated for themselves what remained of the revenues. This kind of grant was designated in Byzantium by the technical term of *kharistikion* and the holder of it was known as *karistikarios*. It was not unlike the western *beneficium*.⁵⁴ It was granted for a specific period, usually the lifetime of the holder.

In the novel of Basil II of 996 this kind of grant is mentioned several times, although the technical name for it is omitted. Basil, it will be recalled, forbade the ecclesiastical hierarchy to take possession of the houses of prayer built on peasant property and to grant them to the powerful. This prohibition, however, did not extend to such houses of prayer that assumed the true character of monasteries by having eight or ten monks. Nor did it include the more ancient and larger monasteries.⁵⁵ Mention has also been made of the grant by the emperor Michael Dukas of the monastery *Hebdomon* to the *Logothetes* Nicephorus who made it the center of his vast possessions.⁵⁶ Alexius seems to have exploited this institution to the fullest

⁵³ *Ibid.*, 110 ff. Concerning these grants to Kephalas see also, Rouillard, "Un grand bénéficiaire sous Alexis Comnène: Léon Képhalas," in *Byzantinische Zeitschrift*, 30 (Leipzig, 1930), 444 ff.

⁵⁴ Vasiliev, "On the question of Byzantine Feudalism," 587.

⁵⁵ Zachariae von Lingenthal, *op. cit.*, 3:314–315. ὅσα δὲ πάλιν ἀπὸ χωρίων . . . συνέστησαν μοναστήρια . . . καὶ εἰσὶν ἐν αὐτοῖς ἀνὰ ἡ' ἢ ι' ἢ καὶ ἐπέκεινα μοναχῶν, εἰ καὶ τάχα καὶ δίκαιον οὐκ ἐστίν, ἀλλ' οὖν εὐδοκοῦμεν εἶναι ταῦτα ὑπὸ τοὺς μητροπολίτας καὶ τοὺς ἐπισκόπους, καὶ μὴ διακωλύεσθαι τούτους τοῦ δωρεῖσθαι ἢ παραπέμπειν αὐτὰ ὅπου βούλονται . . . τὰ δὲ ιδιόστατα καὶ ὅσα μεγάλα μοναστήρια ἐκ παλαιοῦ ἦσαν, εἰ τάχα καὶ μοναχοὺς ἄρτι πολλοὺς οὐκ ἔχουσιν, ἀλλὰ τῇ ἀμελείᾳ τυχὸν τοῦ μητροπολίτου ἢ τοῦ ἐπισκόπου χωρὶς μοναχῶν εἰσι, διοριζόμεθα ταῦτα καὶ πάλιν ὑπὸ τὰς μητροπόλεις καὶ τὰς ἐπισκοπὰς εἶναι καὶ δωρεῖσθαι καὶ παραπέμπειν αὐτὰ τοὺς τὴν μητροπολίτας καὶ τοὺς ἐπισκόπους ὅπου καὶ ὅτε θελοῦσιν.

⁵⁶ See note 43.

extent. At least this is the conclusion that one draws by reading the pamphlet of John of Antioch, written in order to denounce the practice of granting monasteries as *kharistikia*.

John was patriarch of Antioch (John IV) at the time of the First Crusade and he must have written his pamphlet toward the end of the eleventh century.⁵⁷ It covers therefore the first half of the reign of Alexius, the time during which he was in the greatest need of money, and doubtless describes the prevailing conditions of this time.⁵⁸ After saying that the *kharistikia* first originated and were widely distributed during the iconoclastic period, especially in the reign of Constantine Copronymus,⁵⁹ John adds:⁶⁰

But he [Copronymus] was overthrown together with his iconoclastic machinations with the aid of the invincible might of Christ by the monks, whom he persecuted, and fell, a corpse of portentous significance. From that day until now, a period of four hundred years, the monastic order has been so worshipped and honored by the faithful that they have come over to the monks to make the confession of their sins and receive from them deliverance by expiation or absolution.

However the enemy [of the monks] could not endure seeing these things and be-thought himself of the ancient cunning. And he knew that he must not attack openly either the faith or the monks or the laymen but with craft and secrecy to overthrow and destroy both by a single artifice. [This artifice consisted of the suggestion that] the donations made to God by pious emperors, prelates, *archontes*, monks and laymen should be given as gifts by men to men. By donations to God I mean monasteries, houses for the old, hostels, and the properties belonging to all these . . . This violence, this injustice to God, this evil which I cannot describe because of its excessiveness began, as every one knows, at the time of the iconoclastic heresy and its fiery protector, as has been said, Copronymus, whose hatred of the monks was implacable. But it came to an end through the triumph of orthodoxy.

Then it began again through the mischief of the evil devising enemy who always flatters the good, but ends in evil. Emperors and patriarchs granted to the *archontes* (*τοῖς ἀρχόνσι*) [i.e. to members of the aristocracy] monasteries and houses for the poor that lay in or were on the point of decay on the pretext of caring for them. These monasteries were not given as gifts and for the private profit of those who received them, but in order that they may be restored and ornamented, and for the benefit of the souls of those who received them. But as time went on the enemy introduced in this practice his own poison. I mean the sordid love of gain and greediness. Thinking that it was fair, subsequent emperors and patriarchs took hold of this practice of grants which their predecessors had used, ostensibly for the management of the monasteries and the house for the poor, and began to give these institutions as absolute gifts, including among them not only those that had decayed or were decaying, but also those that still stood, and, with the passing of time, the greater and more prosperous. However, the holy Sisinnius, having become patriarch of Constantinople not long

⁵⁷ On John of Antioch see K. Krumbacher, *Geschichte der byzantinischen Litteratur* (Munich, 1897), 156; Vasilievsky, *op. cit.*, 202:400 ff.; F. Chalandon, *Essai sur le règne d'Alexis 1^{er} Comnène, 1081-1118* (Paris, 1900), xxviii f.

⁵⁸ John of Antioch, *De monasteris laicis non tradendis* in MPG, 132:1117-1154.

⁵⁹ *Ibid.*, 1120.

⁶⁰ *Ibid.*, 1128-32.

before this time [Doubtless Sisinnius II, 995–998?], did not endure to see this violence, stood up, as some say, and denounced it, although it had not come to such an extreme of evil. But those who came after him took little account of his stand and renewed the evil (*πονηρὸν*), which, growing gradually, has ended in the present calamity. For it is no longer this or that monastery which is granted, but all to-gether, small and big, poor and rich, those for men and those for women. A few have still escaped, those recently constructed and the wealthier, but those too will suffer the same fate if the evil practice continues. The monasteries are granted to laymen, both men and women, sometimes even to foreigners, even to two persons.

John of Antioch had evidently seen some of the documents by which these grants were made, for he continues:

Here is the soul-destroying, full of blasphemy preamble of the grant: “My Majesty, our Mediocrity grants to you — such a monastery — with all its rights and privileges together with all its possessions both movable and immovable to hold for life.”

Concerning the fate of the monasteries granted as *kharistikia*, John says:⁶¹

If one were to say that the monasteries are granted for their restoration and permanence, those of them that have been destroyed by the *kharistikarii* would give a brilliant answer. And of these not a few have been turned into private estates. I do not know if there exists a monastery which has been restored and renewed by a *kharistikarios*.

The protest of John of Antioch and doubtless of others may have been one of the reasons for the issuance of a novel by Alexius designed to correct some of the evils pointed out by John. By this novel Alexius authorized the patriarch to investigate and correct the moral transgressions of the monks of all the monasteries, whether these monasteries were free, granted to others for their management and supervision, patriarchal, public, imperial or autonomous. The patriarch was further authorized to see that the monasteries granted to others were not damaged by them, and if damaged, to require those who held them to make the necessary repairs. The exact date of the issuance of this novel is not known, but, according to the indiction it must have been issued in 1082 or 1097 or 1112.⁶²

According to John of Antioch the *kharistikion* as an institution was established during the iconoclastic period and was widely used, especially during the reign of Constantine Copronymus. There is some evidence, however, which seems to indicate that the *kharistikion* was known for some time before the iconoclastic period. For instance, the forty-ninth canon of the

⁶¹ *Ibid.*, 1136–37.

⁶² Zachariae von Lingenthal, *op. cit.*, 3:408. Ἐπὶ δέ γε τοῖς κατ’ ἐπίδοσιν δοθεῖσι μοναστηρίοις καὶ κατ’ ἐφορείαν ἢ οἰκονομίαν ἢ παντελῇ ἐλευθερίαν οὐ μόνον τὰ ἄλλα ψυχικὰ σφάλματα ἐπιζητήσῃ, ἀλλὰ καὶ εἰ κατελύθησαν ἢ καταλύονται μερικῶς ἢ καθόλου παρὰ τῶν λαβόντων ταῦτα. καὶ εἰ εὕρῃσι τινὰς μειώσεις ἐν αὐτοῖς γινομένας, καταναγκάσει τοὺς ταῦτα κατέχοντας ἀποκαθιστᾶν ταῦτα . . .

Trullan council, held in 691 during the reign of Justinian II, repeated the twenty-fourth canon of the council of Chalcedon that monasteries once established were to remain monasteries for all times and were never to be turned into lay establishments and added that they were not to be granted to laymen even though this may have been a practice until then.⁶³ It follows from this canon that at the time of the Trullan council the *kharistikion*, at least in substance if not in name, was already well known and, therefore, its origin antedated by far the iconoclastic movement. If this is so, then the opinion of Vasiliev that "possibly this peculiarity of Byzantine *beneficium* (*kharistikion*) should be connected with the iconoclastic epoch, when the government in its struggle against the monks resorted to the secularization of monastic lands" ⁶⁴ will have to be given up. Strictly speaking the *kharistikion* did not involve the secularization of monastery lands. What was involved in the grant was the management of the monastery and its properties. It is well known that the canons of the church did not permit the alienation of monastic properties. The *kharistikion*, therefore, may have been invented by the hierarchy itself, metropolitans, bishops and archbishops who controlled monastic properties, in order to get around this prohibition. If this conjecture is correct, then the opinion of Th. Uspensky,⁶⁵ rejected by Vasiliev,⁶⁶ that "the system of *kharistikion* as a custom of granting monasteries and church lands was an institution which developed within the church itself and was in complete harmony with the customs and opinions existing among the laity as to the right of disposal of land property" may not be unsound after all.

The ill effects of the institution of the *kharistikion* upon the monasteries and their properties, denounced by John of Antioch, are confirmed by documentary evidence. One of the most famous and wealthiest monasteries in Constantinople was that of St. Mamas. But, according to the charter (*τυπικόν*) which was granted to it in 1159 following its restoration, its possessions had been dissipated and lost "through the insatiety and shamelessness of the *kharistikarii* who had held it from time to time and who, like

⁶³ G. A. Ralle and M. Potli, *Σύνταγμα τῶν Θείων καὶ Ἱερῶν Κανόνων* (Athens, 1852), 2:423. *Ανανεούμενοι καὶ τοῦτον τὸν ἱερὸν κανόνα, ὀρίζομεν, ὥστε τὰ ἅπαξ καθιερωθέντα μοναστήρια κατὰ γνώμην ἐπισκόπου, μένουν εἰς τὸ διηνεκὲς μοναστήρια, καὶ τὰ ἀνήκοντα αὐτοῖς πράγματα φυλάττεσθαι τῷ μοναστηρίῳ, καὶ μηκέτι δύνασθαι γίνεσθαι αὐτὰ κοσμικὰ καταγώγια, μήτε δὲ ὑπὸ τινος τῶν ἀπάντων κοσμικοῖς ἀνδράσι ταῦτα ἐκδίδουσθαι, ἀλλ' εἰ καὶ μέχρι νῦν γέγονε τοῦτο, μηδαμῶς κρατεῖσθαι ὀρίζομεν.*

⁶⁴ Vasiliev, "On the question of Byzantine feudalism," 587.

⁶⁵ Th. Uspensky, "Mniēniā i postanovleniā konstantinopoliskikh pomiēstnykh Soborov XI i XII vv. o razdachiē tserkovnykh imushchestu (kharistikarii)" in *Izvestiya Russkago Arkheologicheskago Instituta v Konstantinopole*, 5 (Sofia, 1900), 5.

⁶⁶ Vasiliev, "On the question of Byzantine feudalism," 587.

wolves, gaped ravenously at it.”⁶⁷ This is confirmed by another document, dated 1169. The monastery of St. Mamas, according to this document, had been built during the reign of Justinian and was under the jurisdiction of the patriarchate. It had been from time to time granted as a *kharistikion* by the various patriarchs, and the *kharistikarii* dissipated its property and ruined it completely. Finally the patriarch Cosmas (1146–1147) granted it to George Cappadokes the Mystic. George restored it and prevailed upon the patriarch, Nicholas Mouzalon (1147–1151), to free it from the jurisdiction of the patriarchate and declare it independent because he feared that, after his death, it would again fall into the hands of unscrupulous *kharistikarii*.⁶⁸ In the charter which he issued to the restored monastery it was specifically prohibited to grant the monastery to any person or institution.⁶⁹

George Cappadokes is not the only example of a founder of a monastery including a provision in the foundation charter which prohibited the granting of his foundation as a *kharistikion*. Founders of monasteries in the eleventh and twelfth centuries generally included a similar provision in their foundation charters. In 1077 Michael Attaliates founded a monastery and a house for the poor and in the foundation charter which he granted to it he calls the wrath of God upon any person, whether priest or layman, emperor or patriarch, who would dispose of his institutions in a way contrary to the provisions of the foundation charter.⁷⁰ The charter which the empress Irene, the wife of Alexius I, granted to the monastery which she founded in 1118, specifically prohibits the granting of the monastery to any person or institution under any circumstances.⁷¹ A similar provision was included in the foundation charter of the monastery which Leo, the bishop of Nauplia

⁶⁷ S. Eustratiades, “Τυπικὸν τῆς Μονῆς τοῦ ἁγίου μεγαλομάρτυρος Μάμαντος,” in ‘Ελληνικά, 1 (Athens, 1928), 257. παντάπασιν τῶν πραγμάτων ἀπολελοιπότην αὐτὴν διὰ τὴν τῶν κατὰ καιροὺς χαριστικαρίων ἀπληστίαν τε καὶ ἀναίδειαν, ὡς λύκων ἐπιχαινόντων αὐτῇ.

⁶⁸ P. Bezobrazov, “Materials for the history of the Byzantine empire” (in Russian with Greek texts), in *The Journal of the Ministry of Public Instructions*, 254 (St. Petersburg, 1887), 74 f. Παραλαβὼν οὖν τὰ τῆς μονῆς ὁ μυστικός καὶ ἰδὼν αὐτὴν εἰς παντελῇ ἐρήμῳσιν καταντήσασαν καὶ αὐτὸ τὸ εἶναι μονὴν σχεδὸν ἀπολέσασαν, ζήλῳ θείῳ παρακινήθεις ἠθέλησεν ἐπανορθῶσαι τὰ τῆς μονῆς καὶ εἰς τὴν προτέραν ταύτην ἐπαγαγεῖν κατάστασιν ἥ καὶ κρείττονα. ὑποπτεύσας δὲ φόβον οὐκ ἄλογον μὴ ποτε πάλιν μετὰ τὸν θάνατον αὐτοῦ ἢ καὶ τοῦ μετ’ αὐτὸν τὴν τοιαύτην μονὴν ἀναδεξιόμενου εἰς χεῖρας ἐμπέσῃ χαριστικαρίου κατὰ τοὺς πρότερον καὶ χρήσῃται τῷ μοναστηρίῳ ὡς ἐκείνοι, τὰς μὲν τούτου προσόδους ἀναζητῶν, ἐπιμέλειαν δὲ τῆς μονῆς οὐδεμίαν ποιούμενος καὶ ἀπολέσῃ τὰ παρ’ αὐτοῦ γενησόμενα δαπανήματα, προσῆλθε τῷ γεγονότι πατριάρχῃ κυρῷ Νικολάῳ τῷ Μουζάλλωνι καὶ ἐζήτησεν ἐλευθερωθῆναι τὴν μονὴν καὶ τῶν πατριαρχικῶν ἀπολυθῆναι δικαίων, ὃ καὶ γέγονε τῇ τοῦ μεγαλεπιφανεστάτου μυστικοῦ αἰτήσει τοῦ πατριάρχου ἐκείνου πειθαρχήσαντος καὶ γέγονεν ὑπόμνημα ἐπὶ τῇ ἐλευθερίᾳ τῆς τοιαύτης μονῆς.

⁶⁹ Eustratiades, *op. cit.*, 258.

⁷⁰ Miklosich et Müller, *op. cit.*, 5:299 f.

⁷¹ *Ibid.*, 332. μήτε κατὰ δωρεὰν ἢ ἐπίδοσιν ἢ ἐφορείαν ἢ οἰκονομίαν ἢ ἐπιτήρησιν ἢ ἐτέραν τινὰ πρόφασιν προσώφῳ οἰωδῆτινι ἢ μονῇ ἢ εὐαγεί οἴκῳ ἢ τῷ ὀρφανοτροφείῳ ἢ ἐτέρῳ σεκρέτῳ ἢ ξενῶνι τινι ἀνατιθεμένην.

and Argos, founded in 1143.⁷² In his testament of 1093 the monk Christodoulos, who had founded the monastery of St. John the Theologian in the island of Patmos but who was later forced to flee by the incursion of the Turks, designated as one of his successors as head of the monastery a certain Theodosius. Theodosius is called *kharistikarios* but is specifically prohibited from introducing any of his relatives in the monastery. Besides, he was required to become a monk and was enjoined to keep the monastery free and independent (*αὐτοδέσποτον καὶ αὐτεξούσιον*).⁷³ Another founder who prohibited the granting of his monastery as a *kharistikion* was the monk Manuel who in 1080 established the monastery of Our Lady the Merciful near Stroumitsa in Macedonia.⁷⁴

The church itself took note of the ruthless exploitation of the monasteries by the *kharistikarii*, but it made no general and serious attempt to end the system of the *kharistikia*. The patriarch Sisinnius II (995–998) seems to have prohibited the practice, as is known not only from John of Antioch, but also from Balsamon, but his order had neither the support of the church nor that of the emperor.⁷⁵ Sergius II issued an official pronouncement (*τόμος*) in 1016, signed also by the emperor (Basil II) in which he offered his interpretation of the forty-ninth canon of the Trullan council, an interpretation according to which that canon was understood to prohibit the reduction of monasteries to lay establishments, but not their being granted to the laity for their improvement and amelioration. Sergius not only failed to prohibit the system of *kharistikia*, but, on the contrary, he commended it as useful, provided, of course, that the monasteries granted retained their character of monastic establishments and the *kharistikarii* took care of them, seeking their general improvement and doing nothing that would harm them. Sergius ordered that the system of *kharistikia* itself should not be attacked.⁷⁶

The question came up again in 1027, during the patriarchate of Alexius

⁷² *Ibid.*, 181. καὶ τὸ ἐλεύθερον καὶ ἀδώρητον τῇ μονῇ χαρίζομεθα διὰ τοῦ παρόντος ἡμῶν ὑπομνήματος καὶ μηδὲ ὑπὸ ἔφορον ἢ χαριστηκάριον ἢ ἕτερον τινα γενέσθαι ταύτην ποτὲ ἐντελλόμεθα.

⁷³ *Ibid.*, 6:82, 84.

⁷⁴ Petit, *op. cit.*, 92.

⁷⁵ Ralle and Potli, *op. cit.*, 2:613–614.

⁷⁶ *Ibid.*, 614. προεκομίσθη ἕτερος τόμος τοῦ πατριάρχου ἐκείνου κυροῦ Σεργίου . . . ὑπογραφῇ βασιλικῇ κατησφαλισμένος, ἐρμηνεύων τε τὸν μὲν κανόνα τῆς ἐν τῷ Τρούλλῳ συνόδου, καὶ γνωματεύων, τὴν ἔκδοσιν μὴ ἐκλαμβάνεσθαι εἰς τὰς δωρεὰς τὰς συντηρούσας τὴν τῶν μοναστηρίων κατάστασιν· ἀλλ' εἰς τοὺς λαμβάνοντας μοναστήρια, ἐφ' ᾧ ἔχουν αὐτὰ κοσμικὰ καταγώγια . . . Ἐπιβεβαιούντες δὲ καὶ ἐπικυροῦντες τὸ παλαιὸν καὶ καινὸν λυσιτελὲς ἔθος τῶν μακαρίων καὶ θεοφόρων Πατέρων ἡμῶν, ὀρίζομεν γίνεσθαι δωρεὰς καὶ ἐπιδόσεις ἀκωλύτως, ἐπὶ συστάσει καὶ βελτιώσει τῶν ἐπιδιδόμενων καὶ δωρουμένων φροντιστηρίων. ἔδοξε δὲ τὰ τῶν ῥηθέντων κανόνων ὀφείλειν ἐρμηνεύεσθαι κατὰ τὸν παρόντα τόμον, καὶ τὰς πρὸς κοσμικοὺς γινόμενας δωρεὰς τῶν μοναστηρίων, πολλῶν δὲ πλεόν τὰς ἐπιδόσεις, ἔχουν τὸ ἀπαρεγχείρητον.

Studites. A local council, presided over by the patriarch, was held in Constantinople in November of that year, and a general review of the abuses of the system of the *kharistikia* was made, a review which confirms the criticisms of the system made by John of Antioch. The measures taken were not radical. It was decided that thenceforth (1) a monastery held through a grant by one person could not be transferred to another; (2) that monasteries for men should not be granted to women or vice versa; (3) that no grant should be made without the approval of the patriarch, metropolitan, or archbishop; and (4) that monasteries which originally belonged to a metropolis but had been granted by the metropolitan to a bishopric had to be returned to the metropolis if the latter found itself in financial distress while at the same time the bishopric was prosperous.⁷⁷ A few months later, in January 1028, another local synod, presided over by the patriarch, was held in Constantinople, and the question of the *kharistikia* was again raised. Here again no radical measures were taken. It was decided to (1) hold the *kharistikarii* responsible for the damages done to the monasteries which they held; (2) to deprive the evil doers among them of their grants; (3) to require them to make the contributions which the monasteries held by them owed to the metropolises; and (4) to prohibit the granting of any monastery located in the immediate neighborhood of the seat of a metropolitan. The granting of monasteries located elsewhere was not only permitted but considered a good thing.⁷⁸

Neither the council of 1027 nor that of 1028 took any measures against the principle of the *kharistikia* itself. This is equally true of a third council held in 1071 during the patriarchate of John VIII Xiphilinos. This synod took up the question of the *kharistikia* at the request of Constantine, the metropolitan of Cyzicus. Constantine said that the monasteries belonging to his metropolis were in the hands of *kharistikarii*, granted to them by his predecessors. These grants, while enriching the holders of them, had deprived his see of its principal sources of revenue and had reduced it to such

⁷⁷ *Ibid.*, 5:23. καὶ μήτε δωρεὰ μοναστηρίου εἰς πρόσωπον ἀμωσγέπως μεταβαίνειτω τὸ μὴ ἀναταττόμενον ἐν αὐτῇ, μήτε ἄνδρες γυναικείων, ἢ γυναῖκες ἀνδρῶν μοναστηρίων φροντιζέτωσαν· μήτε μὴν ἑκδοῖς παραλαυρίων, ἢ τινος ἀκινήτου ἑτέρους, χωρὶς εὐδοκίσεως τοῦ ἀγιοτάτου πατριάρχου, ἢ μητροπολίτου, καὶ ἀρχιεπισκόπου γινέσθω· γεγρονῖα δὲ, ἐν γράμμασι κείσεται μόνον· ἐν πράγμασι δὲ, οὐδ' ὅσα ὄνειροι ἐνεργήσει, ἢ ὀνήσει τοὺς ἐκλαμβάνοντας. Ἀλλὰ καὶ ἐπίσκοποι, ὅσοι δωρεαῖς μητροπολιτῶν κατέχουσι μοναστήρια, καὶ ἔτυχε τὰς μὲν μητροπόλεις στενοῦσθαι καὶ ἀπορεῖν, εὐθηνεῖσθαι δὲ καὶ εὐπορεῖν τὰς ἐπισκοπὰς, δικαίως τὰς δωρεὰς, ἀντιστρέψωσι, καὶ τῶν φροντιστηρίων ὑπεκστῶσι ταῖς μητροπόλεσιν, ὡς ἂν μικρόν τι ἐντεῦθεν ἢ σύγκληρος αὐτῶν παραμυθῆται στενοχωρία.

⁷⁸ *Ibid.*, 30-31. Ὅσα δὲ κοινῶν κατὰ τι ταῖς μητροπόλεσιν, ἢ πλησιασμὸν ἐν ταύταις ἔχει, καὶ ἀνακοίνωσιν, καὶ οὐκ ἀπεχαρίσθη πρὸ τούτου τισὶν, εἰς δωρεὰς δίδοσθαι προσώποις οὐκ εὐδοκοῦμεν· ἀλλ' εἰ καὶ ἐδόθη, ἀκύρους εἶναι καὶ ἀνισχύρους τὰς δωρεὰς βουλόμεθα, καὶ τὰ φροντιστήρια αὐτόθεν ἀντιστρέφεισθαι πρὸς τὰς μητροπόλεις, ἢ ἐπισκοπὰς. τὰ γὰρ μήκοθεν καὶ ἰδιοπεριόριστα δωρεῖσθαι, καὶ τοῖς πρὸ ἡμῶν ἁγίοις Πατράσι καλῶς ἔδοξε, καὶ ἡμῖν.

a poverty that it was not even able to provide the candles and the oil necessary for the religious services. He asked for a written opinion by the synod which he wanted to present to the secular authorities who might help him to regain control of these monasteries. The synod delved into the archives of the patriarchate and discovered the acts of the councils of 1027 and 1028, and, with these acts serving as basis, rendered an opinion favorable to Constantine. The synod decided that Constantine had a right to recover the monasteries of his see because, according to the acts of the councils of 1027 and 1028 it was (1) uncanonical to reduce monasteries into pure lay establishments; (2) to grant the monasteries located in the immediate neighborhood of the seat of the metropolitan; and (3) to keep monasteries in the hands of *kharistikarii* while the metropolis to which they legally belonged was in a state of poverty.⁷⁹ The decision thus covered every monastery that might have belonged to the see of Cyzicus, but whether Constantine actually recovered control of them or not is not known. The point to emphasize, however, is this that while its decision in this particular case was unfavorable to the *kharistikarii*, the synod made no general pronouncement against the principle of the *kharistikia* itself, although it seems to have prohibited the granting of property that was in an actual state of production.⁸⁰

⁷⁹ Th. Uspensky, *op. cit.*, 23. Καὶ ὅσα τῶν μοναστηρίων μοναχοὺς οὐκ ἔχουσιν ἀλλὰ κοσμικὰ γεγόνασι καταγῶγια τῶν χαριστικαρίων τὰς προσόδους σφετεριζομένων ἀνακαλέσεται πάντως ὁ μητροπολίτης κατὰ τὸ εὐλογον· ἀλλὰ καὶ ὅποσα ταῖς μητροπόλεσιν ἐγγίζονται ὡς ὑπερείσματα καὶ ἐνδιαυτήματα τούτων ἀρχήθεν ἐτύγχανον καὶ ταῦτα εἰκότως πρὸς τὴν ἐκκλησίαν ἀναδοθήσεται διὰ τὸ κεκωλυμένας εἶναι τὰς ἐπ' αὐτοῖς δωρεάς, τὰ δ' ἄλλα πάλιν ἀναλήψεται ὁ μητροπολίτης διὰ τὸ τῆς κατ' αὐτὸν ἐκκλησίας ἄπορον καὶ ἀπρόσοδον κατὰ τὴν δύναμιν τῆς προαναπεφωνημένης συνοδικῆς δοκιμασίας ἣτις βοηθεῖ ταῖς ἀπόροις μητροπόλεσι, τὰ δὲ δεδωρημένα ἐπισκοπαῖς ἢ καὶ προσέποις μοναστήρια ἐπασαλαμβάνειν διὰ εἰς ὕστερον ἐπισυμβάσαν ἀπορίαν.

⁸⁰ This synod prohibited the granting of one type of property, known by the technical name of *autourgion* (αὐτούργιον), but just exactly what the αὐτούργια were is not quite clear. Th. Uspensky (*op. cit.*, 42-45) has gathered together all the passages known which refer to the αὐτούργια and has come to the conclusion that the definition given by Du Gange in his dictionary of medieval Greek, viz., *praedium rusticum qui colitur ab agricolis*, is both insufficient and inaccurate, but he himself offers no definition other than to say that the term sometimes is applied to describe a certain property, sometimes the income from certain properties, and not always land. Balsamon (Ralle and Potli, *op. cit.*, 2:595) defines the αὐτούργιον as follows: Ἐπεὶ δὲ αὐτούργιά εἰσι τὰ ἐξ αὐτῶν τῶν πραγμάτων, καὶ ὅσον οἴκοθεν διδόντα τοὺς καρποὺς, ὡς αἱ ἀλικαὶ, οἱ ἐλαιῶνες, οἱ ἀμπελώνες, οἱ λιβαδιαῖοι τόποι, οἱ ὑδρόμυλοι, τὰ κεραμαρεῖα, ὡς καὶ τὰ λοιπὰ τοιαῦτα. On the basis of this definition all properties would be considered as αὐτούργια, but Balsamon clarifies his definition by saying that αὐτούργια are those properties that are actually and not potentially productive: Τὸν δὲ τῇ ἀληθείᾳ, καὶ μὴ κατὰ σκῆψιν, ὄντα ἀπρόσοδον ἀγρὸν, ἐκδίδοσθαι ὥστε, ἐὰν μὲν τὸ αὐτούργιον γένηται πάντῃ ἀπρόσοδον, (τυχὸν γὰρ λιβαδιαῖος τόπος κατεκλύσθῃ ὑπὸ ποταμίου ῥεύματος), ἢ καὶ τὸ ἐξώχωρον προάστειον, ἐὰν εὐπρόσοδον καταστή, ὡς διὰ παροίκων οἰκισθὲν ἐκ νέου, τοῦτο μὲν τὸ ἐξώχωρον, διὰ τὸ εὐπρόσοδον, οὐκ ἐκποιήσεται· ἐκεῖνο δὲ, κ' ἂν αὐτούργιον ἐλέγετο, διὰ τὸ ἀπρόσοδον, καὶ τὸ ἀνωφελὲς, ἐκδοθήσεται. Αὐτούργια then, according to Balsamon, are properties that actually produced income, and the prohibition of granting αὐτούργια passed by the synod of 1071 would mean that lands in actual cultivation and therefore productive could not be given as *kharistikia*, but lands that lay unculti-

Another particular case came up for review in 1107, during the patriarchate of Nicholas III, and the decision reached was unfavorable to the *kharistikarii*, but again no general pronouncement against the principle of the *kharistikia* itself was made. The case was brought to the attention of the patriarch by the metropolitan of Athens Nicetas who complained that his predecessor, described as simple and old, had granted properties and monasteries belonging to his metropolis to *kharistikarii* who had reduced them to a state of ruin, and asked that these properties and monasteries be returned to the direct control of his church. The decision which the patriarch and his synod rendered called for the expulsion of the *kharistikarii* who had reduced the monasteries to such a ruin that they no longer had any monks, unless the metropolitan agreed to let them stay for one or two years more on condition that within that period they would restore the monasteries and thenceforth take care of them if they wanted to keep them longer. The decision also provided for the expulsion of those who held by grant other properties belonging to the metropolis.⁸¹ The synod did not go beyond the immediate aspects of the case to make a general pronouncement on the question of the *kharistikia*.

There seems to be little doubt that the *kharistikion*, whatever its origins may have been, had become by the end of the tenth century and perhaps earlier an institution deeply rooted in the society of Byzantium, accepted not only by the laity, as Th. Uspensky seems to think,⁸² but also by the clergy. The ruthless exploitation of the granted monasteries by the *kharistikarii* aroused protests from many people, but these protests were limited in their scope. The church attempted from time to time, especially in the eleventh century, to remedy the evils connected with this institution and some of those who founded new monasteries sought to safeguard their foundations against these evils by including a clause in the foundation charters prohibiting their grant as *kharistikia*. But no serious effort was ever made to eliminate the institution completely and those who raised their voices against its principle must have been very few. John of Antioch was

vated and in ruin could be given out. In other words the synod of 1071 tried to revive the original meaning of the *kharistikion*, i.e. a grant of a ruined property for the purpose of its reclamation.

⁸¹ Th. Uspensky, *op. cit.*, 33–34. Τοὺς τὰ μοναστήρια καὶ εὐκτήρια κατέχοντας καὶ ἐπὶ λύμην τούτων οὐκ ὀλίγην γεγονότας καὶ μήτε μοναχοὺς ἔχοντας τοὺς τὸ θεῖον δοξολογεῖν ὀφείλοντας καὶ τῶν ἐν αὐτοῖς κτημάτων ἐπιμελομένους ἀπεντεύθεν ἤδη τούτων ἐξωθεῖσθαι, εἰ μὴ γε βούλοιτο ὁ θεοφιλέστατος μητροπολίτης ἀσφαλῶς τούτους ἀπαιτῆσαι ὥστε καὶ μοναχοὺς ἔχειν καὶ τούτων πρόνοιαν ἐνδεχομένην ποιεῖν καὶ τὴν τῶν ἀκινήτων μείωσιν ἐπανασώσασθαι ἄχρι τινὸς ρητῆς προθεσμίας ἢ ἐνιαυσιαίας ἢ διετίας. ὡσαύτως καὶ τοὺς κατέχοντας κτήματα τῆς μητροπόλεως κατὰ δωρεὰν ἀπελαθῆναι.

⁸² *Ibid.*, 5.

one of these, but his vigorous pamphlet denouncing the system apparently had no permanent effect. Balsamon, writing toward the end of the twelfth century remarks, in summing up his discussion of the meaning of the forty-ninth canon of the Trullan council, that what he has written will suffice for the one who desires to know not to pay attention to the writings of John of Antioch, written against the granting of monasteries to individuals and branding these grants as impious. According to Balsamon the interpretation of the forty-ninth canon of the Trullan council given by the patriarch Sergius II was the correct one.⁸³

The *kharistikia* were usually granted by the ecclesiastical hierarchy, as is amply shown by the documents that have been studied. But grants of this kind made by the emperors themselves were not uncommon even before the eleventh century. That the iconoclastic emperors used the *kharistikion* as a weapon against the monks there can be little doubt,⁸⁴ but this institution was also used by the emperors of the Macedonian dynasty. For instance, the emperor Basil II made grants of *kharistikia*, despite the order of the patriarch Sisinnius II, prohibiting such grants, and this was offered as proof by the patriarch Sergius II that Basil never approved the order of Sisinnius.⁸⁵ In granting monasteries to laymen, therefore, Alexius Comnenus made no innovations in the practices of his period concerning the disposal of monastic properties by the state. The most that can be said about him in this connection is that he distributed *kharistikia* more extensively than any one of his predecessors, with the exception, of course, of the iconoclastic emperors. But then the situation which he faced was extremely critical.

III

The anti-monastic measures issued in the tenth century were designed primarily to check the growth of the monastic properties and to protect the small holdings of the free peasants, although the latter seems not to have

⁸³ Ralle and Potli, *op. cit.*, 2:614. Τὰ ἐν τῇ ἐξηγήσει τοῦ παρόντος κανόνος γεγραμμένα παρ' ἡμῶν ἀρκέσουσι τῷ βουλομένῳ, εἰς τὸ μὴ προσέχειν τοῖς παρὰ τοῦ πατριάρχου ἐκείνου Ἀντιοχείας Ἰωάννου γραφεῖσι, χάριν τοῦ μὴ δίδοσθαι προσώποις μοναστήρια, καὶ ὀνομάζουσι τὸ ἔργον τοῦτο ἀσέβειαν. Πάντως γὰρ κατακρατῆσει τούτων ὁ παρὰ τοῦ ἀγιωτάτου οἰκουμενικοῦ πατριάρχου κυροῦ Σεργίου γεγονὼς τόμος μετὰ συνοδικῆς συμπράξεως, ἐρμηνεύων πῶς ὀφείλουσι νοιείσθαι τὰ τῶν κανόνων.

⁸⁴ Vasiliev, *History of the Byzantine Empire*, 2:148.

⁸⁵ Ralle and Potli, 2:614. Ἀνατρέπομεν οὖν συνοδικῶς, διὰ τῆς δοθείσης ἡμῖν παρὰ τοῦ ἁγίου Πνεύματος ἐξουσίας, τὴν τὰς δωρεὰς καὶ τὰς ἐπιδόσεις ἀναιροῦσαν ἐκείνην πράξιν, ὡς ἐξ οὐδεμῆς ἐπισκοπικῆς συναινέσεως, ἐξ αὐτονόμου δὲ γνώμης γεγενημένην, καὶ μηδὲ βασιλεῖ τῷ φιλοχρίστῳ δεχθείσαν, καθὼ φαίνεται καὶ αὐτὸς δωρούμενος μοναστήρια παρὰ τὴν ταύτης ἰσχύιν. The act prohibiting gifts and grants of monasteries which Sergius repealed is doubtless the one which had been issued by Sisinnius II. Therefore, the emperor referred to here as making grants of monasteries could be no other than Basil II.

entered into consideration in the promulgation of the novel of Nicephorus Phocas. In the eleventh century it was no longer a question of restricting the growth of these properties, but of using them in the interest of the state. As the political situation of the empire had worsened and its finances reduced to a state of bankruptcy, the imperial government did not hesitate to confiscate outright monastic and church properties or to use them in a way that would serve the interests of the state. This was done by the emperors Isaac and Alexius, both of the family of the Comneni. In the twelfth century, during the reign of Manuel Comnenus, there was a limited revival of the monastic policy of Nicephorus Phocas.

It is Nicetas Choniates who makes the statement that Manuel Comnenus revived the monastic policy of Nicephorus Phocas. He says this in explaining the reasons for the unusual monastery which Manuel had founded. Following is a translation of this interesting passage from Choniates:⁸⁶

[Manuel] built a monastery near the entrance of the Bosphorus from the Black sea in a place called Kataskepe and dedicated it to the archangel Michael. Here he invited the most celebrated and famous monks and made provision for them in order that they might lead a life of solitude and free from cares. Because he saw that the possession of property and the troubles of the world take away the tranquility of those who chose the life of solitude and lead them away from the life according to God, the life in which consists their particular calling, he did not grant to the monastery any property such as fields or vineyards, but allowed for it a money payment from the imperial treasury for the maintenance of the monks. By this, I think, he wished to check the great desire shared by many people to establish monasteries, and to give an example to the next generation of how they should set up a church and what sort of table they should prepare for the hermits who are without possessions and who have renounced the world. He was so far from praising the present state of affairs, i.e., the existence of people who call themselves monks, but who delight in the things of the world, possessing great properties and having many cares, that he revived the law which the most virtuous emperor, Nicephorus Phocas, a man of heroic stature and great mind, had decreed. This law, issued in order to stop the extension of the properties of the monasteries had no longer any effect, having died long ago by the lapse of time. Manuel now gave to it new life, having warmed it with the redness of the imperial ink, which acted as if it were blood. And this was not all. He never ceased reproaching his father and grandfather and others among his relatives, who, after they had founded monasteries, assigned to them vast stretches of fertile land and green pastures. He did not blame, or sneer at, them because they gave part of their property to God, but because they did good in a bad way. For the monks, according to him, should set up their shelters in secluded places and deserted lands, in the deepness of caves and on the tops of mountains, and should turn their eyes away from the beautiful city on the Hellespont just as Odysseus avoided the temptation of the lotus and that of the Sirens.

The measure by which Manuel revived the monastic policy of Nicephorus Phocas referred to by Choniates is doubtless the *chrysobull* which

⁸⁶ Nicetas Choniates, *Historia* (Bonn, 1835), 270–271.

Manuel issued in 1158. This chrysobull, preserved to the present day,⁸⁷ was also summarized by a historian of the twelfth century, who was not only a contemporary of Manuel but one of his advisers. Cinnamus writes about this chrysobull: "In the fifteenth year of his reign the same emperor [Manuel] decreed that there should be no interference with the monasteries located in the neighborhood of Byzantium and with their properties whatever or wherever they may be. He confirmed this by a document which is called chrysobull by custom because it is stamped with a golden seal."⁸⁸ The statement of Choniates and that of Cinnamus seem to contradict each other, and if Cinnamus is right then Choniates must be wrong. Indeed, the chrysobull of 1158 is concerned with the monasteries located in the neighborhood of Constantinople, on both sides of the Bosphorus and on the islands of the Propontis. It provides for the enumeration of all the properties actually in the possession of these monasteries at the time of the issuance of the chrysobull, no matter how they may have been obtained, whether by purchase or by grant, legally or illegally. It confirms the possession of these properties by the monasteries and grants to them important tax exemptions. Moreover, it enjoins the fiscal agents of the state to keep away from these monasteries and their properties. There is nothing in this summary of the chrysobull of 1158 that contradicts in any way the statement of Cinnamus and it may be said, therefore, that the description of this chrysobull by Cinnamus is accurate. Because Cinnamus' statement is favorable to the monasteries and because there are no other extant measures of Manuel that can be possibly interpreted as anti-monastic and in view of the statement of Balsamon⁸⁹ that there was nothing in the legislations of Manuel contrary to the canons and the general good disposition of Manuel toward the monasteries, it has been held by some that Manuel never issued any measure restricting the extension of monastic properties and, therefore, the testimony of Nicetas Choniates must be rejected.⁹⁰ This view fails to take into account an important passage of the chrysobull of 1158 whose clarity is so striking that it is astonishing to find that one who devoted an entire monograph to

⁸⁷ Zachariae von Lingenthal, *op. cit.*, 3:450–455.

⁸⁸ Cinnamus, *Historia* (Bonn, 1836), 276. ὁ αὐτὸς ἔτει τῆς βασιλείας αὐτοῦ ιε' ἐψήφιστο τοῖς ἀνὰ τὸ Βυζάντιον ἱεροῖς σεμνείοις πολυπραγμοσύνην ἐπάγεσθαι οὐδ' ἠντιναοῦν ἐφ' αἷς ὅπου δῆποτε κτήσεσιν ἔσχον. τὴν μέντοι δωρεὰν καὶ τόμῳ ἐστήριξεν, ὃν ἄτε χρυσῷ ἐνσεσημασμένον χρυσόβολλον ξῆθος καλεῖν ἔστιν. As Manuel came to the throne in 1143, the fifteenth year of his reign fell in 1158. Therefore, the chrysobull to which Cinnamus refers is that of 1158.

⁸⁹ Th. Balsamon, *Canones*. in MPG, 137:896 f, 933 ff; Ralle and Potli, *op. cit.*, 2:603.

⁹⁰ André Ferradou writes: "La chose est tellement extraordinaire, qu'il est difficile d'accepter comme vraie une allégation isolée, qui est en contradiction formelle avec tout ce que nous savons de l'attitude de Manuel Comnène vis-à-vis des monastères." *Des biens des monastères à Byzance* (Bordeaux, 1896), 47.

the monastic properties in Byzantium ignored it.⁹¹ "For the monasteries," runs this passage of the chrysobull, "will not have the right to increase what properties they hold today, be they landed estates or tenant-peasants (*paroikos*)."⁹² It states further that after the registration of the monastic properties, in accordance with the other provisions of the chrysobull, the fiscal agents will not have the right to disturb the monasteries unless they can show that the monasteries possess properties in excess of what they actually held in 1158, the year of the issuance of the chrysobull. If they should be found to have such property, it will have to be confiscated.

It is quite obvious that in speaking of the revival of the anti-monastic law of Nicephorus Phocas by Manuel, Nicetas Choniates had in mind the chrysobull of 1158.⁹³ But his statement is much more sweeping than is warranted by the chrysobull itself. In the first place the novel of Nicephorus was general in its application, i.e., it applied to all the monasteries in the empire; that of Manuel was restricted to the monasteries in the neighborhood of the capital, excluding, therefore, some among the larger monasteries, as, for instance, those on Mount Athos. The Athonian monastery of Laura possessed toward the beginning of the twelfth century more than 50000 *modii* of land of which only about 12000 were subject to the land tax;⁹⁴ and this monastery was not covered by the chrysobull of Manuel. In the second place, the law of Nicephorus prohibited all new foundations; that of Manuel is silent on this point. Nor is Choniates right when he says that Manuel revived the law of Nicephorus which "had no longer any effect, having died long ago by the lapse of time." The law of Nicephorus, of course, did not die "by the lapse of time"; it was repealed by Basil II.⁹⁵ Choniates also failed to mention the positive provisions of the chrysobull

⁹¹ *Idem.*

⁹² Zachariae von Lingenthal, *op. cit.*, 3:435. οὐδὲ γὰρ ἐπ' ἀδείαν ἔξουσιν αἱ μοναὶ τὰ σήμερον παρ' αὐτῶν κατεχόμενα, εἴτε πάροιχοι εἴεν εἴτε τόποι εἴτε αὐτούργια, ἐπαύξειν καὶ εἰς πληθυσμὸν ἄγειν πλείονα.

⁹³ Cf. C. Uspensky, *op. cit.*, 91-94; E. Lavissee and A. Rambaud, *Histoire Générale*, 2 (Paris, 1893), 809; L. Oeconomus, *La vie religieuse dans l'empire byzantin au temps des Comnènes et des Anges* (Paris, 1918), 135. Oeconomus accepts without any question or discussion the testimony of Nicetas Choniates.

⁹⁴ Rouillard and Collomp, *op. cit.*, 146 ff. See also F. Dölger, "Zur Textgestaltung der Lavra-Urkunden," *Byz. Zeitschrift*, 39 (Leipzig, 1939), 58 f. The *modios* was the Byzantine land measure equal to a little less than one-fifth of an acre. Th. Uspensky and V. Benechevitch, *Actes de Vazelon* (Greek texts with a commentary in Russian) (Leningrad, 1927), LXXVIII; F. Dölger, *Beiträge zur Geschichte der byzantinischen Finanzverwaltung* (Leipzig, 1927), 87. In terms of acres, therefore, Laura possessed something like ten thousand acres of land, an estate of no mean proportion.

⁹⁵ Oeconomus apparently does not know that the novel of Phocas had been repealed by Basil II, for he writes, *op. cit.*, 135: "Or pour que Manuel ait eu à exprimer les mêmes plaintes que Nicephore, il faut bien croire que l'édit de ce dernier n'avait pas eu la vie longue."

of 1158, i.e., the confirmation of the properties in the actual possession of the monasteries at the time of the issuance of the chrysobull, the exemptions from taxation, and the freedom from the interference of the imperial agents. But neither did Cinnamus summarize the chrysobull fully, for he left out the provision prohibiting the further extension of the properties of the monasteries concerned. If the chrysobull of 1158 had not been preserved, the closest that one could have come in determining its contents would have been by a combination of the statement of Choniates with that of Cinnamus, a procedure that would not have found much favor among scholars as the two statements seem, at least in spirit, contradictory. It would have been more natural to believe either that one of the statements is false, or that they refer to two different measures. But even if the two statements were combined, the result would still not be an accurate reconstruction of the contents of the chrysobull of 1158, for, on the basis of the novel of Nicephorus, one would have to conclude that it included also a provision, prohibiting the establishment of new monasteries. No such provision, of course, was included in the actual chrysobull of 1158.

Was it because Manuel sincerely believed that the possession of property was a source of corruption for the monks, that they "should set up their shelters in secluded places and deserted lands, in the deepness of caves and on the tops of mountains" that he tried to restrict the extension of the properties of certain monasteries? Possibly, for Manuel, like most of the Byzantines, had the greatest respect for the monastic life and may have entertained the hope, like Nicephorus Phocas, like his grandfather Alexius, of reviving its ancient purity. But property, the desire to possess more and more of it, was a serious obstacle to any reform. Indeed, this desire for more and more property was one of the most important sources of corruption of the monastic life in the twelfth century. This was felt not only by members of the laity, such as Manuel, but also by important ecclesiastics, such as Eustathius, bishop of Thessalonica, who wrote one of the most outspoken indictments against the licentiousness and greediness of the monks ever written in the long history of the Byzantine empire. Following is a translation of one of the most stinging passages of Eustathius' work:⁹⁶

[The monks hear that] there is a rich man nearby; that he is distinguished by his fields, buildings, livestock and all the other goods in which the laity seems to find happiness. Immediately they seek to manipulate and win him over by the favors in which the men of the world find pleasure. The sly monks thus entice the more simple and attract them to themselves. They invite them and when they come they provide them with a hot bath . . . and then put before them things that delight the body, both

⁹⁶ Eustathius of Thessalonica, *De emendanda vita monachica*, MPG, 136 (Paris), 825 f.

meats and drinks . . . After the entertainment they turn their attention to matters of the spirit which they offer as bait. They speak of abstinence, they who are indifferent to it; they say that hunger and thirst are good for the health, they who are insatiable . . . They philosophize saintly, saying that a heavy stomach is as detrimental to sleep as it is for running. They boast of their visions and miracles and other such matters by which the more pious soul is elevated and, with love for God, turns its attention to the things above. But all these miracles and visions are fabrications of sleep, just simple dreams.

When they have charmed their hearer and by the persuasiveness of their spiritual spells tempt him to tensure himself but he still hesitates, putting forth as his reason the austerity of the life of a monk, they then turn to other enchantments and through these they finally convince him. They promise him that he will become a saint and will save his soul without any pain for himself; that he will gain nearness to God without an intercessor; that he will win entrance to paradise without fear of the sword of fire; that he will become virtuous without having to bathe himself in a river of sweat. They promise him further a harvest unsown and uncultivated; a vintage self-grown; a profitable sailing toward what is without danger; and other things of a tempting nature. When they have led on this man, having taught and persuaded him that he will achieve excellence, and caught him in their nets together with his property, both land and cash, then they show to what profession they belong and what sophisms they have invented about it. For, having emptied the purse of the neophyte and obtained what they desired, they let him shift for himself, saying that he does not have the slightest virtue. The man is good, but in order not to criticize their bad behavior, he mingles with them and becomes like them. But if he should happen to mutter a little privately they turn against him and ask: "Who are you, man; what is your power, and what is the profit derived from you?" And they threaten to deprive him of the little property which they had left him by common consent.

The poor fellow soon finds himself forced to work in the fields, to do precisely what he had been doing before, except that now he works for the monastery and not for himself.

The charms and favors used by the monks to get more land were reserved for the rich. For the poor they had other and more direct means: threats and violence. They were especially anxious to absorb the lands which were continuous to those of the monastery and the poor peasants who happened to own these lands were never let alone until they gave up their property to, and became dependents of, the monastery.⁹⁷ In the twelfth century, as in the tenth and eleventh, the monasteries were among the principal offenders in the decline of the free peasant holdings in the empire. By the end of the fourteenth century the free peasant holdings virtually, if not completely, disappeared.

In drawing this gloomy picture of the monks of this period Eustathius doubtless exaggerated. Not all the monks of the twelfth century were gluttons and thieves, bent upon only one thing, how to increase the property of their monastery. Many among them were sincerely pious and ascetic. For

⁹⁷ *Ibid.*, 829.

instance, the monastery which Manuel founded at Kataskepe was built for the pious and the ascetic, and these were easily found. And Eustathius himself says about the monks of Constantinople: "The capital is inhabited by virtuous monks. . . . On the shores and the islands of the Propontis there are many folds filled with holy flocks. Among the sheep of these folds there are no goats that will have to put themselves at the left of the Lord; every one of them will take its place at the right of God."⁹⁸ But the picture drawn by Eustathius is, on the whole, not inaccurate. It conforms to what is known from other sources, the novel of Nicephorus Phocas, Attaliates, and documents belonging to the reign of Alexius Comnenus.⁹⁹ It is quite possible, therefore, that in restricting the further acquisition of immovable property by the monasteries located in and around Constantinople, Manuel sincerely sought to check the evils described by Eustathius. But there may have been other reasons for the restrictions imposed by Manuel on these monasteries. If reform of the monastic life was the only objective, why is it that Manuel restricted his measure to the monasteries located in and about Constantinople, the monasteries precisely which, according to Eustathius, were inhabited by virtuous monks?

A Byzantine institution which made its appearance in the eleventh century, but became fully developed in the second half of the twelfth century was the assignment by the government of a revenue-yielding property to individuals in return for certain services, usually but not always military, rendered or to be rendered. The grant consisted usually of land, but it could be a river or a fishery and was known in Byzantium by the technical term of *pronoia* (πρόνοια) and its holder by that of *pronoetes* (προνοητής).¹⁰⁰ The size of the grant varied from a territory of considerable extent to a single village, or estate sufficient to take care of one family. It was granted for a specific period, usually but not always for the life time of the holder. It could be neither alienated nor transmitted to one's heirs and it was always subject to recall by the imperial treasury.

⁹⁸ *Ibid.*, 797–800: Καὶ τοιοῖδε μὲν οἱ τὴν θείαν κουρὰν τιμώντες, καὶ ὑπ' αὐτῆς τιμώμενοι, καὶ εἰσὶ τοιοῦτοι οἱ ἐν ὄρεσι, καὶ σπηλαίοις, καὶ ῥωχμαῖς γῆς, καὶ στύλοις, καὶ ἐγκλεισμοῖς . . . Γέμει δὲ πολιτείας τοιαύτης καὶ ἡ τῷ ὄντι Μεγαλόπολις . . . Προβέβληται δὲ αὐτὰ καὶ ὁ τῆς Προποντίδος αὐλῶν, πρὸς βουρὰν μέχρι καὶ εἰς τὰς Εὐξείνου προβολὰς, καὶ πον καὶ ἐφεξῆς. Πλουτοῦσι δὲ καλοῖς τοιούτοις καὶ νῆσοι, ὅσας ἡ Προποντὶς αὐτὴ κλύζει. Καὶ γέμουσιν αἱ τοιαῦται μάνδραι ποιμνίων ἱερῶν γραφικῆς ἀγέλης μυρίας, κεκαρμένης ἄλλης ἀλλαχοῦ. Τῆς δεξιᾶς πάντες οὗτοι μερίδος τοῦ ἀρχιποίμενος Θεοῦ. Ἐρίφια γὰρ ἐν αὐτοῖς, τῇ ἀριστερᾷ προποντα, οὐκ ἔχουσι κατασκιρτᾶν.

⁹⁹ See for instance Oeconomus, *op. cit.*, 142 ff.

¹⁰⁰ The two fundamental works on the Byzantine *pronoia* are: (1) P. Mutafčiev, "Vojniski zemi i vojnici v Vizantija prez xiii/xiv v." in *Spisanije na Bulgarskata Akademija*, 27 (Sofia, 1923) (in Bulgarian), 37 ff; (2) Th. Uspensky, "Značenie vizantijskoj juznoslavjanskoj pronii," *Sbornik V. J. Lamanskomu* (St. Petersburg, 1883), 1–32. But see also Vasiliev, "On the question of Byzantine feudalism," 590–591.

Making a temporary grant of a revenue-yielding property in return for certain services was an idea well known in Byzantium, as is shown by the development of the institution of the *kharistikia*. But the *kharistikia* were grants of monasteries and their properties and were designed, in principle at least, for the rehabilitation and improvement of the monasteries granted and not for the profit of the holder of the grant. The monasteries were exploited, of course, and some of them were reduced into utter destruction, but this fact did not alter the principle involved. A grant designed in principle as well as in fact for the profit of the holder who in return was expected to render certain services could not properly be a *kharistikion*. Such a grant could consist only of property from which the treasury derived revenue; it could include, of course, revenues derived from monastic properties.

The *pronoia* was precisely such a grant. The grant consisted not of the actual land involved, but of the revenues derived by the treasury from that land. The grant of a certain land did not alter the private relationships over the various properties located on that land. The younger brother of Alexius I Comnenus, Adrian, was granted the peninsula of Cassandra, but the ownership of the various properties located in that peninsula was not disturbed. The grant simply meant that the taxes and other obligations paid to the treasury by the owners of these properties were thenceforth to be paid to Adrian.¹⁰¹ Documents belonging to the thirteenth century further illustrate this point. In 1231 Xenos Legas, a tenant-peasant (*paroikos*) of the monastery of Lemvo, located near Smyrna, sold to that monastery the olive trees which he possessed in the village of Panaretos, a village which was included in the *pronoia* held by Syrgares. Among the stipulations in the act of sale there was one providing for the payment of the taxes for these trees to Syrgares by the monastery.¹⁰² In other words the grant of Panaretos to Syrgares had not affected the ownership of the olive trees of Legas. He simply paid his taxes to Syrgares, instead of to the imperial agents; the monastery that bought his property was to do likewise. In 1234 the river Hermon, near Smyrna, was the *pronoia* of a certain Kalegopoulos; the revenues which he obtained from this grant consisted of the dues paid by the inhabitants of the neighborhood for the right to fish.¹⁰³ These were the dues which they for-

¹⁰¹ See note 50.

¹⁰² Miklosich et Müller, *op. cit.*, 4:61: ὁφείλει δὲ ἐπιτελεῖν ἡ μονὴ ἐκάστῳ καιρῷ ὑπὲρ ἐπιτελείας νόμισμα πραττόμενον ἔν πρὸς τὸν πανευγενέστατον λίζιον καβαλλάριον τὸν Συργαρήν.

¹⁰³ *Ibid.*, 4:239. Τὰ ἐκείσε πάντα βιβάρια ἐτέλουν τῷ Καληγοπούλῳ ὡς ἔχοντι εἰς πρόνοιαν τὰ δίκαια τοῦ ποταμοῦ. The revenues derived from fisheries were considerable. Here is what Sanudo says about the fisheries of the river Meander in Asia Minor: "Provincia detta lo Menadro, che è molto Grande, buona e Fertile d'ogni bene, per la qual passa un Fiume Grande, che fa un Gran Lago in Morea, ed evvi qualche isola piccola che guarda verso Ponente, in la qual vi stava gran multitude di Piscadori, che percavano in quel Lago, e

merly paid to the government. Michael Palaeologus granted the island of Euboea (Negropont) to Licario, the Italian adventurer who had helped him recover the islands of the Aegean and whom he later designated as his admiral.¹⁰⁴ This did not mean that Licario became the owner of the properties located in Euboea: he simply received the revenues which were formerly paid to the imperial treasury. The same emperor granted to his brother John the islands of Rhodes and Mitylene as well as important lands in the mainland.¹⁰⁵ Again this only meant that John enjoyed the public revenues obtained from these lands. Similarly in the fifteenth century George Gemistos Plethon was granted the fortress of Phanarion, including the surrounding country, with the right of receiving the public revenues from this territory.¹⁰⁶ Less extensive territories, single estates, were also granted, usually to soldiers of a lesser grade, but these were drawn from the public lands. The term *oekonomia* was generally applied to this kind of grant because it was designed to provide for the maintenance of a soldier and his family, besides enabling him to obtain the necessary equipment for war.¹⁰⁷

The imperial government was careful to prevent the holders of a *pronoea* from acquiring permanent possession of the properties located in their *pronoeae*. In 1233 a decision was rendered, which was confirmed by the emperor, declaring that the taxpayers for properties located in a *pronoea* could not sell these properties to the holder of the *pronoea*.¹⁰⁸ In the docu-

della gran quantita del Pesce, che pigliavano, pagavano all' Imperatore un gran Denaro," Marino Torsello Sanudo, *Istoria del Regno di Romania*, ed. C. Hopf, *Chroniques greco-romanes* (Berlin, 1873), 145.

¹⁰⁴ *Ibid.*, 123: "ed allora l'Imperator, acciò il detto Mega Duca li fusse più leal e lo servisse più fedelmente, li fece dono di tutta l'isola di Negroponte pigliandosi, e li fece il Privilegio di questo amplissimo, con obbligazion di servirlo con 200 Cavallieri."

¹⁰⁵ Pachymeres, *Historia* (Bonn, 1835), 1:321. νῆσοι γὰρ πᾶσαι . . . Μιτυλήνη λέγω καὶ Ῥόδος, καὶ κατὰ γῆν πλείστα τε καὶ μέγιστα οἱ εἰς αὐτάρκη πρόνοιαν ἦσαν.

¹⁰⁶ Miklosich et Müller, *op. cit.*, 3:173. Τὸ κάστρον καὶ χώραν τοῦ Φαναρίου μετὰ πάσης τῆς αὐτοῦ νομῆς καὶ συνηθείας καὶ περιοχῆς, λαμβάνων κατ' ἔτος ἐντὸς τοῦ προσοδίου αὐτοῦ πάντα τὰ δίκαια τοῦ κεφαλατικίου τῆς αὐτῆς χώρας, τὰς μύζας καὶ εἴ τι ἄλλο ὀφείλουσιν οἱ ἔποικοι τῆς αὐτῆς χώρας αὐθεντικὸν δίκαιον χωρὶς μόνης τῆς τοῦ φλωριατικοῦ δόσεως, ἣτις ὀφείλει εἶναι τοῦ δημοσίου. A year later (1428) the fortress of Brysis was also granted to Gemistos Plethon and in 1450 the δόσις φλωριατικοῦ which was not included in the original grant was granted to the heirs of Gemisthos Plethon. *Ibid.*, 174, 225.

¹⁰⁷ Such were the *pronoeae* referred to in the prostagma of Michael VIII Palaeologos, naming his son Andronicus co-emperor. A. Heisenberg, "Aus der Geschichte und Literatur der Palaiologenzeit," in *Sitzungsberichte der Bayerischen Akademie der Wissenschaften: Philosophisch – philologische und historische klasse*, 10 Abhandlung (Munich, 1920), 40–41.

¹⁰⁸ Miklosich et Müller, *op. cit.*, 4:199. οὐκ ὤφειλον οἱ Γουναρόπουλοι διαπωλῆσαι πρὸς τὸν βαλταττὸν τὴν τοιαύτην γῆν διὰ τὸ ὑπὸ παροικίαν τελεῖν ταύτην, καὶ μὴ ὀφείλειν τοὺς ὑποτελεῖς πιπράσκειν τὰ παρ' αὐτῶν κατεχόμενα πρὸς τοὺς κατὰ λόγον προνοίας ἔχοντας αὐτὰ ὡς ὑπὸ τὴν τοῦ δημοσίου χεῖρα ἀείποτα τελοῦντα. A. Vishniakova misinterprets the text when she says that the

ments of the thirteenth century the inhabitants of a *pronoia* are called *paroikoi*, i.e., dependents of the holder of the *pronoia*. The term *paroikos* is generally rendered by tenant-peasant, usually but not always attached to the soil, but when used to describe the relationship of an inhabitant of a *pronoia* with the holder of that *pronoia* it should be given a wider meaning.¹⁰⁹ The *paroikoi* of a *pronoia* were the dependents of the holder of the *pronoia* in the sense that they paid their taxes to him, were judged by him in cases of dispute among them, and protected them against the encroachments of an outsider.¹¹⁰ Doubtless there were many tenant-peasants among them, but they were not all tenant-peasants. Among the people living in the *pronoia* of Syrgares there were *οικοδεσποτες*, *κρείττονες*, *γωνικάριος*, i.e., property owners.¹¹¹ The ownership of their land and their social position was legally not affected by the fact that their village was included in the *pronoia* of Syrgares. What was changed was their relationship to the government. In matters of taxation and justice they became subject to Syrgares instead of to the imperial agents. Any taxable property, therefore, no matter by whom it was owned, could be included in a *pronoia*, for, unless it belonged to the public domain, it was not the property itself but the public revenues obtained from the property that were affected by the grant.

land located in a *pronoia* could not be sold without the permission of the *pronoetes*: "Khozjaistvennaja organizacija monastyrya Lemveotisse" in *Vizantiiskij Vremennik*, 25 (Leningrad, 1927), 40. The interpretation given above agrees with that of Th. Uspensky, *Sbornik V. J. Lamanskomu.*, 28 f. and B. A. Pancenko, "Krestjanskaja sobstvennost v Vizantii. Zemledelceskii zakon i monasterskie dokumenty" in *Izv. Russk. Archaeol. Inst. v. K/le* 9 (Sofia, 1904), 96. For the date of this Document see F. Dölger, "Chronologischen und Prosopographisches . . ." p. 314, no. 115.

¹⁰⁹ Scholars generally do not distinguish between the *paroikoi* of a *pronoia* and *paroikoi* as tenant-peasants. For instance F. Dölger wrote in his review of Mutačiev's work (*Byz. Zeitschrift*, 26:109): "What we hardly dare believe, but what is undeniable on the basis of the sources, namely, that by the introduction of *pronoia* the tax payers concerned were reduced simply to the status of *paroikoi*, and, therefore, became unfree, was in Byzantium hardly worthy of discussion . . . The peasants of the villages, whose income was granted to a *pronoetes*, were simply designated as *paroikoi*." Dölger again expressed this view a few years later, "Zur Textgestaltung der Lavra-Urkunden," 59. The distinguished German scholar was, of course, well acquainted with the Chrysobull that Alexius I granted to the monks of Laura (see note 50) in 1084 by which he assured them that the grant of Cassandra to his brother Adrian did not make them the *paroikoi* of the latter. They remained as free as before except that now they paid their taxes to Adrian instead of to the imperial treasury. However, Dölger dismissed this document as an isolated example.

¹¹⁰ Lawsuits involving property disputes among the inhabitants of a *pronoia* were judged by the *pronoetes* with the help of the *κρείττονες*, i.e., the more distinguished element, of the *pronoia*. Miklosich et Müller, *op. cit.*, 4:81. 'Ο Συργαρής επέπεμψε τὴν τοιαύτην κρίσιν πρὸς τοὺς οἰκοδεσπότης τῆς προνοίας αὐτοῦ, ὥστε τηρηθῆναι ἀκριβῶς τὴν ὑπόθεσιν καὶ ἐξισεῖσαι αὐτοὺς. συναχθέντες γοῦν ἅπαντες οἱ κρείττονες τῆς προνοίας αὐτοῦ . . . ἔκριναν ἀδίκως λέγειν τὸν Πολέαν. Lawsuits involving a *pronoetes* or the *paroikoi* of a *pronoetes* with another party not included in the *pronoia* were judged by the military governor of the region. *Ibid.*, 4:239-40, 36 ff; 419.

¹¹¹ *Ibid.*, 4:81. For text see preceding note.

The *pronoia* as a grant for soldiers was already used by Alexius Comnenus,¹¹² but it was Manuel who seems to have generalized it.¹¹³ Manuel introduced into the army organization many westerners, especially Italians, and to many of them he made grants of *pronoiae*.¹¹⁴ As considerable amount of land must have been needed for these grants it is not impossible that Manuel issued the chrysobull of 1158 as one means of making this land available. Granting monastic lands to foreigners might have involved him into difficulties with the church and that may have been the reason why Manuel tried to determine what lands exactly belonged to the monasteries. On the other hand, allowing the monasteries to extend their possessions indefinitely would reduce the land available for grants of *pronoiae*, hence the prohibition to acquire new lands. But as this prohibition could also arouse the opposition of the monks, he tried to soften it by a wide grant of exemptions on the property which they already possessed. The less land the monasteries possessed the more should be available for grants of *pronoiae*, for the granting of land belonging to the laity was politically less dangerous. Besides, the change involved in such a grant was not radical; it involved simply the change of one master for another, the fiscal agent of the government for the *pronoetes*. It is quite possible that most of the Italians introduced into the army organization of the empire were granted *pronoiae* not far from Constantinople, for it was necessary to keep an eye on them. This would explain the reason why the chrysobull of 1158 applied only to the monasteries located in, or in the neighborhood of, Constantinople.

The monastic policy of Manuel was subtle and fine, designed to check the growth of monastic properties by combining the granting of privileges with the impositions of restrictions. But the monks were too powerful. Manuel was finally compelled to remove the restrictions, but along with the restrictions he removed also some of the privileges. The brief summary of the Novel of 1176, the text of which has not been preserved, is the proof for this.¹¹⁵ In the measure of 1158 and in that of 1176 restrictions and privileges

¹¹² In a document of 1167, deciding a dispute between the monastery of Laura and certain soldiers over a certain estate, it is stated that the land in question had been previously granted as *pronoia* to certain soldiers by Alexius Comnenus. Rouillard and Collomp, *op. cit.*, 158 ff. See also Dölger, "Zur Textgestaltung der Laura-Urkunden." 59.

¹¹³ Nicetas Choniates, *op. cit.*, 272. *ἰάτο τὸ δίψος τῶν στρατευμάτων ταῖς λεγομέναις τῶν παροίκων δωρεαῖς.*

¹¹⁴ A grant of *pronoia* to Italians is referred to in western document as *feudum*. G. L. Fr. Tafel and G. M. Thomas, *Urkunden zur älteren Handels- und Staatsgeschichte der Republic Venedig*, 1 (Vienna, 1856), 513, "et de toto feudo quod et Manuel quondam defunctus Imperator dedit patri meo." Concerning the grants of *pronoiae* to Italians see also, Th. Uspensky, *Sbornik V. J. Lamanskomu*, 6.

¹¹⁵ Zachariae von Lingenthal, *op. cit.*, 3:502. *Ἀπελύθη κατὰ τὸν ἰούνιον μῆνα τῆς θ' ἰνδ. τοῦ στυχπδ' ἔτους πρόσταγμα βασιλικόν, ἀνατρέπον σχεδὸν τὸ τοιοῦτον εὐσεβέστατον καὶ*

went together; the measure of 1158 imposed the restrictions and granted the privileges; that of 1176 removed the restrictions and also some of the privileges. Manuel apparently was anxious to check the growth of monastic properties, and his reason for this must have been particularly important.

The monastic policy pursued by the Comneni was not always friendly toward the monasteries. But this was rather for reasons of state than out of disrespect for, or hostility toward, the monastic life. The Comneni were able and clever men and above all good soldiers, but in matters of faith and in their sentiments toward the monastic life they did not differ much from the vast majority of their contemporaries. They believed in the monastic life as they believed in Orthodoxy. Isaac Comnenus died a monk and Alexius Comnenus, besides granting important privileges and exemptions to monasteries, tried hard, as is shown by his support of Christodoulus, the founder of the monastery of St. John the Theologian in the island of Patmos, to revive the ancient purity of monasticism.¹¹⁶ Manuel too, although criticizing his father and grandfather for the various grants which they made to monasteries, was an admirer of, and believer in, the monastic life. This is shown by his foundation of the monastery of Kataskepe where he hoped to revive the ancient ideals of the monastic life. Besides, the privileges which he granted to monasteries outweighed by far the restrictions which he imposed. Manuel came to be known as the friend of the monks. His benevolence to them is recalled with emphasis in the measure which the regency issued in 1181 in the name of his son, Alexius II, granting numerous privileges to the monasteries in an effort to win the support of the monks against the growing strength of Andronicus.¹¹⁷ Manuel himself gave his wish to have the support of the monks as one of his principal reasons for his decision to issue the chrysobull of 1158.¹¹⁸

εὐεργετικώτατον χρυσόβουλον, καὶ διὰ τοῦτο πάντα τὰ μοναστηριακὰ ἀκίνητα ὑπὸ τῶν ἀναγραφέων ἡρπάζοντο. See also C. Uspensky, *op. cit.*, 94; Vasiliev, *History of the Byzantine empire*, 2:137.

¹¹⁶ Oeconomus, *op. cit.*, 142 ff.

¹¹⁷ Zachariae von Lingenthal, *op. cit.*, 3:505–506. Ἡ βασιλεία μου, τῆς ἐκ τῶν ὑμετέρων εὐχῶν συνάρσεως χρῆζουσα καὶ ἐν πᾶσι κατ' ἔχνος βαίνειν τοῦ ἐν μακαρίᾳ τῇ λήξει βασιλέως αὐθέντου καὶ πατρὸς αὐτῆς θέλουσα, καὶ τὸ περὶ τοὺς ἀνατεθειμένους ὑμᾶς τῷ Θεῷ εὐεργετικὸν ἐκείνου μιμεῖσθαι προήρηται. Cognasso writes about the issuance of this measure: "Assai probabilmente, appunto durante questi contrasti, il Reggente pubblicava in nome di Alessio II una novella nella quale questi dichiarava di voler imitare il padre anche nella protezione dei monaci — avendo grande bisogno delle loro preghiere —, e confermava ai monasteri i privilegi concessi loro dagli imperatori precedenti, in ispecie da Manuele, ordinando agli esattori di cancellare senz'altro dai loro registri dei contribuenti le proprietà monastiche. Il governo cercava di riacquistare partigiani." F. Cognasso, *Partiti politici e lotte dinastiche in Bisanzio alla morte di Manuele Comneno*, in *Memorie della Reale Accademia delle Scienze di Torino: Scienze Morali, Storiche e Filologiche*, 2nd series, 62 (Torino, 1912), 246.

¹¹⁸ Zachariae von Lingenthal, *op. cit.*, 3:450–51. ἅμα δὲ βουλομένη (ἡ βασιλεία μου) καὶ τοὺς στρατιώτας τοῦ μεγάλου βασιλέως χριστοῦ δηλονότι, τοὺς δι' αὐτὸν τὸν μονήρη βίον προελο-

IV

The events of 1204, the capture of Constantinople by the Latins and the dissolution of the Byzantine empire, were of capital importance not only for the history of the Balkan peninsula and the Near East in general, but for the history of Europe as a whole. They sharpened the religious antagonism between the Greeks and the Latins and set in motion the process of the political and internal disintegration of the Christians of the Balkan peninsula, a process which made possible the great victories of the Ottoman Turks in the fourteenth century and their capture of Constantinople in 1453. But the political revolution which the Fourth Crusade brought about did not affect radically the social structure of the lands which had formerly belonged to the Byzantine empire. When the Latins took over the empire they found its social structure substantially not very different from their society in the west, and they were contented to let it stay as it was, satisfied with the taxes and *corvées* exacted from the peasants. The imperial property was confiscated and many of the Greek magnates were dispossessed, but many also were not disturbed. This was particularly true of the lands that came under the domination of the Venetians, and of the Morea. In 1207 the island of Corfu was granted by Venice to Angelo Acotanto and Petro Michaeli, and in the agreement it was stipulated that the status of everyone in the island should remain the same and that no one should be required to pay more than he used to pay at the time of the Greek emperors.¹¹⁹ A similar stipulation was included in the treaties that Venice concluded with Ravano dalle Carceri and his successors in 1211 and 1216 respectively concerning the island of Negropont (Euboea).¹²⁰ In the Morea also a general understanding was reached between the French and the Greek magnates, providing for the retention by the latter of most of their possessions.¹²¹ Thus many of the Greek magnates were left untouched, provided they swore allegiance to

μένους καὶ τὴν πανοπλίαν ἐνδυσσάμενους τοῦ πνεύματος, συμμάχους ἔχειν καὶ συνασπιστὰς ἰσχυροὺς κατὰ τῶν ὀρωμένων καὶ ἀοράτων ἐχθρῶν.

¹¹⁹ Tafel and Thomas, *op. cit.*, 2:57. "Quos omnes et alios in ipsis insulis consistentes debemus in suo statu tenere, nichil ab aliquo amplius exigentes, quam quod facere consueverant temporibus Gregorum Imperatorum."

¹²⁰ *Ibid.*, 2:95, 183. "Grecos autem tenebo in eo statu, quo domini Emanuelis Imperatoris tempore tenebantur. Faciam etiam, quod omnes, qui per me sunt in insula et erunt in antea et Latini et omnes magnates Greci, uobis iurent fidelitatem."

¹²¹ *The Chronicle of Morea*, ed. by John Schmitt (London, 1904), 112.

Κι ἀφότου ἐσωρεύτησαν ἐκεῖ εἰς τὴν Ἀνδραβίδα,
τὸ ἀρχοντολόγι τοῦ Μορέως, ὅλης τῆς Μεσαράας,
ἐποίκασιν συμβίβασιν μετὰ τὸν Καμπανέσην,
ὅτι ὅλα τὰ ἀρχοντόπουλα, ὅπου εἶχασιν προνοίης,
νὰ ἔχουσιν ὁ κατὰ εἰς, πρὸς τὴν οὐσίαν ὅπου εἶχεν,

the new masters. Nor were the peasants radically affected by the political changes. They remained subject to the same charges as before.¹²²

Like the Greek empire, the Greek church, as an autonomous and independent body, came to an end in the lands occupied by the Latins, following the capture of Constantinople. Many of the churches of the capital had been destroyed; others were despoiled. The patriarchate and most of the episcopal sees were vacated by the Greeks and occupied by the Latins. The rule set down by Innocent III in this matter was this: where the population was entirely Greek, Greek ecclesiastics were to be appointed; where there were also Latins, Latin ecclesiastics were to be preferred, but whether Greek or Latin they were to recognize the authority of Rome.¹²³ What happened to the churches also happened to the monasteries. Many were destroyed; others were deserted by the Greeks; some were taken over by the Latins.¹²⁴ Those that still remained in the possession of the Greeks lost most of their property. Of these the least to suffer were the monasteries of Mount Athos which were early taken under the protection of the emperor Henry. Preserved still in the monastery of Laura is a picture depicting Henry as the restorer of the monastery.¹²⁵

The question of the disposal of church and monastic property came early under the consideration of the Latin leaders. In March, 1204 an agreement was reached between the Venetians and the French, providing for the division of the church and monastic properties, and allowing the clergy a share sufficiently large to maintain itself honorably.¹²⁶ But Innocent III

τὴν ἀνθρωπείαν καὶ τὴν στρατείαν, τόσον νὰ τοῦ ἐνεμείνῃ,
καὶ τ' ἄλλο τὸ περισσότερον νὰ μερίζουν οἱ Φράγκοι·
καὶ οἱ χωριάτες τῶν χωριῶν νὰ στέκουν ὡς ἀν τοὺς ἡῤῥαν.
Ἄρχοντας ἔξι ἐβάλασιν καὶ ἄλλους ἔξι Φράγκους,
ὅπερ ἐμοιράσασιν τοὺς τόπους καὶ προνοίῃς.

¹²² *Idem.*; The French version of the *Chronicle of Morea* says about the agreement reached between the Greeks and the French: "se acorderent avec le Champenois en tel maniere que li gentil homme grec qui tenoient fiez et terres et les casaux dou pays eust cescun et tenist selonc sa qualité; et le surplus fust departi a nostre gent; et que le peuple payaissent et servissent ainxi comme il estoient usé a la seignorie de l'empereor de Constantinople." *Chronique de Morée*, ed. Jean Longnon (Paris, 1911), 34.

¹²³ Innocent III wrote to Morosini on August 2, 1206: "Ad quod fraternitati tuae breuiter respondemus, quod in illis Ecclesiis, in quibus sunt solummodo Graeci, Graecos debes episcopos ordinare, si tales ualeas reperire, qui nobis et tibi devoti et fideles existant, et a te consecrationem velint accipere humiliter et deuote. In illis vero, in quibus cum Latinis Graeci sunt mixti, Latinos praeficias, et praeferas ipsos Graecis." Tafel and Thomas, *op. cit.*, 2:24.

¹²⁴ *Ibid.*, 2:25.

¹²⁵ C. Paparegogoulos, *Ἱστορία τοῦ Ἑλληνικοῦ Ἔθνους* edited by P. Karolidēs (Athens, 1925), 5:31.

¹²⁶ Tafel and Thomas, *op. cit.*, 1:451. "de possessionibus vero ecclesiarum tot et tantum clericis et ecclesiis debent provideri, quo honorifice possint vivere et sustentari. Reliquae vero possessiones ecclesiarum dividi et parti debent secundum ordinem presignatum."

vigorously opposed the execution of this agreement. Writing to Baldwin, the newly elected emperor of the Latin empire, in November, 1204, Innocent admonished him to guard faithfully and carefully the property of the church, both movable and immovable, until he could safely and without any confusion dispose of it, rendering unto Caesar what was Caesar's and unto God what was God's.¹²⁷ Innocent was especially firm in his correspondence with the Duke of Venice,¹²⁸ but despite his vigorous protests considerable church property was seized by the secular rulers, for in the agreement reached between the patriarch of Constantinople, Thomas Morosini, and the emperor Henry, on March 17, 1206, the question was of recompensating the church for the property that had been taken away from it.¹²⁹ According to this agreement the church was to be allowed one fifteenth of the property outside of Constantinople conquered or to be conquered. Of the property seized in Constantinople the church was to receive, payable by Henry, one fifteenth of the value of this property. But this share of the church did not include monastic properties. All monasteries and monastic properties whether located in the city or not were to remain in the possession of the church.¹³⁰

The agreement of 1206 did not settle definitely the relations between the new states and the church over the question of church and monastic properties. The rulers of the new states, as, for example, Geoffrey Villehardouin of Achaea and Otho de la Roche of the Duchy of Athens, not only confiscated church and monastic properties but sought also to restrict the growth of these properties by prohibiting their subjects to make any grants to the church.¹³¹ The question was taken up again at the council held at Ravennike, a valley located in the neighborhood of Thermopylae. The council, called together by emperor Henry, met on May 2, 1210, and was attended by the important ecclesiastics and feudal barons of the new states, including the emperor Henry and the patriarch Morosini. The agreement reached provided that the churches and monasteries, located in the regions between Thessalonica and Corinth, were to have their properties restored; that they

¹²⁷ *Ibid.*, 1:517, "attentius provisorus, ut ecclesiastica bona, tam immobilia, quam mobilia, diligenter facias et fideliter custodiri, donec per nostrae dispositionis arbitrium salubriter ordinentur, ut, quae sunt Caesaris, Caesari, et quae sunt Dei, Deo sine confusione reddantur."

¹²⁸ *Ibid.*, 1:534.

¹²⁹ *Ibid.*, 2:32. "Dominus Henricus de consilio et assensu omnium Principum, Baronum, Militum et populi dat Ecclesiis et promittit se daturum in earundem recompensationem possessionum . . ."

¹³⁰ *Ibid.*, 2:31-34.

¹³¹ Innocentii III PP. *Regestorum lib. XIII*, Migne *Patrologia Latina*, 216 (Paris, 1891), p. 302, let., 110. See also Gregorovius-Lambros, *Ἱστορία τῆς Πόλεως Ἀθηνῶν* (Athens, 1904), 1:433.

were not to be disturbed in the possession of these or any others that they might acquire; that these properties were to be free of all charges save the land tax (*acrostichon*), such as was paid at the time of the capture of Constantinople; and that only if the churches failed to pay this tax would the lay rulers have any right to confiscate any of their property, and then only as much as was necessary to meet the unpaid tax.¹³²

The Ravennike agreement like that of 1206 did not end the confiscations of church and monastic properties, especially by Geoffrey Villehardouin and Othon de la Roche. Geoffrey had participated in the council of Ravennike, but the agreement, as it was finally drawn, did not apply to his realm. In the Morea one third of the property seized by the French had been allotted to the church.¹³³ But when money was needed for the defense of the country or for the extension of the conquest the secular authorities showed no hesitation in seizing the property of the church. Thus in 1219 Geoffrey II, now prince of Achaea, seeking the conquest of Monemvasia, a stronghold which was still in the hands of the Greeks, requested from the ecclesiastical authorities the military aid owed them by reason of the lands which they had received. They replied that, as their prince, they owed him honor and respect, nothing more. Their lands, they said, they held not from him, but from the pope. Geoffrey's reaction was quick. He seized all the property of the church and with the revenue derived thereof he built the fortress of Glarentza, known then as Clermont (Χλουμουτζι). Immediately after the seizure the local prelates excommunicated him, but Geoffrey continued to hold the property until the fortress was built, and then appealed to the pope

¹³² *Ibid.*, 968–972. “Renuntiaverunt quidem domini Nameus Roffredus comestabulus regni Thessalonici, Otto de Roccha dominus Athenarum, Guido marchio, Ravinus dominus insulae Nigripontis, Raynerius de Tracort, comes Bertuldus, Nicolaus de Sacto Omer, Guillelmus de Banel, Guillelmus de Arsa pro se et hominibus suis et fidelibus et vassalis, in manibus supradicti domini patriarchae recipientis pro Ecclesia nomine domini papae et suo et archiepiscoporum et episcoporum infra dictos terminos positorum et ecclesiarum cunctarum, omnes ecclesias et monasteria, possessiones redditus, mobilia et immobilia bona, et universa jura Ecclesiae Dei, volentes et firmissime promittentes dictas ecclesias et monasteria cum omnibus rebus suis habitis et habendis, et personas in eis positas et ponendas, et claustra ecclesiarum, et servientes et servos et ancillas et homines, et universa suppellectilia et bona libera et absoluta per se successoresque suos, homines, milites, vassallos, fideles, servientes et servos in perpetuum permanere ab omnibus angariis et parangariis, taliis, servitiis et servitutibus universis, et excepto acrostico tantum, quod eis debent cuncti sive Latin sive Graeci tam in dignitatibus quam in minoribus officiis et ordinibus constituti propter terras quas tenent ab ipsis, si quas tenent vel tenuerunt, quod tempore captionis civitatis regiae Constantinopolitanae solvebatur a Graecis.” I do not know why Rambaud (Lavissee and Rambaud, *op. cit.*, 2:859) writes: “a l’assemblée du Val de Ravenika, ils s’étaient occupés de restreindre les empiétements des églises: a l’avenir elles ne pourraient acquérir que des biens meubles.” Ferradou (*op. cit.*, 58) makes the same statement but his reference is to Rambaud.

¹³³ *The Chronicle of Morea*, 175: αἱ ἐκκλησίαι κρατοῦσιν σιμὰ τὸ τρίτον τοῦ Μορέως, ὅλου τοῦ πριγκιπάτου.

with whom he finally reached an understanding (1222) on the basis of the Ravennike agreement.¹³⁴

The Fourth Crusade, whatever its original character may have been, became, following the departure of the crusaders from Venice, a secular affair. In the division of the spoils, following the capture of Constantinople, the leaders tried at first to treat with the property of the church in the same way as they treated with the property of the laity. The vigorous intervention of Innocent III prevented this, and despite the numerous confiscations of church property by the rulers of the new states, the church managed on the whole to retain much of its property and many of its privileges. This was important for the later history of Byzantium, for with the recovery of most of the territories lost to the Latins, the Greeks again took possession of their churches and monasteries and applied once more, as a matter of course, the practices and institutions which concerned their properties before 1204. Indeed these practices and institutions had been hardly altered by the political changes of 1204. In the Ravennike agreement the immunities and privileges of church and monastic properties were fully recognized, and the land tax which they were required to pay was to be no different from that which they paid at the time of the Greek emperors. And it is a sound inference from this that this tax too was not required from those properties which at the time of the Greek emperors were not subject to it. Nor was the practice of confiscating church property in time of need or restricting the further extension of it alien to the Byzantines. Many of the Greek ecclesiastics and monks, of course, had fled before the Latins, but as the latter were driven out most of them came back or were replaced by others and resumed their ancient ways — the exaction of additional privileges from the government and the acquisition of more and more property — as though nothing had happened. And as far as the pro-monastic sentiment in Byzantium, and the relations between the state on the one hand and the church and monasteries on the other with respect to the properties of the latter were concerned, nothing happened.

V

Following the capture of Constantinople the objectives of the Fourth Crusade were only partially realized. Important territories of the former Byzantine empire, Epirus, the regions around Nicaea in Asia Minor, and the territory along the coast of the Black Sea with Trebizond as the center, remained definitely beyond their control. There Greek rulers set themselves

¹³⁴ *Ibid.*, 178–182; Longnon, *Chronique de Moree*, p. 66, note 1. See also Gregorvius-Lambros, *op. cit.*, 1:435–39.

up and carried on the Byzantine traditions, among which monasticism occupied first rank. In every one of these Greek states the monastic life was nurtured and promoted, old monasteries were revived, new ones were founded, and numerous grants of land and privileges were made to them. Of the many monastic documents that have been preserved,¹³⁵ those belonging to the thirteenth century form one of the richest collections and this in itself is sufficient testimony of the importance of the monastery in the life of the Greek states in the thirteenth century. These documents show, among other things, that the traditions, practices and the structure of the monastic life among the Greeks was not affected fundamentally by the tremendous political events of 1204. What these documents show most clearly, however, is the enormous concentration of property in the hands of the monasteries.

The methods employed by the monasteries in the acquisition of property differed in no way from those employed in the century before as they are known from documents belonging to that century and the vivid description of Eustathius of Thessalonica. Grants by the emperors, purchases, grants resulting from the appeals to the piety of the faithful, outright expropriations, acquisitions through appeals to the piety of the faithful, acquisitions through appeals to the courts, grants by those who embraced the monastic life — these were the principal sources of the property acquisitions made by the monasteries in the thirteenth century and after.

The rulers of the Nicene empire, the Greek state, which, by the recovery of most of the territory which the Latins had seized and the capture of

¹³⁵ There are now a number of collections of Byzantine documents relating to the monasteries. (1) Miklosich et Müller, *op. cit.*, vols. 4, 5, 6. Volume four of this collection contains documents belonging almost exclusively to the thirteenth century. (2) *Actes de l'Athos*, i-vi, edited by Petit, Regel, Kurts and Korabiev and published as appendices to *Vizantiiskij Vremennik*, vols. 10 (1903), 12 (1906), 13 (1907), 17 (1911), 19 (1912) (this volume contains the Slavonic acts of the Serbian monastery of Chilandaril), 20 (1913). Most of these documents belong to the fourteenth century, but a number of them are of the thirteenth. (3) W. Regel, *Χρυσόβουλλα καὶ γράμματα τῆς ἐν τῷ Ἀγίῳ Ὁρει Ἀθῶ μονῆς τοῦ Βοτοπεδίου* (St. Petersburg, 1898). (4) T. Florinsky, *Athonskie Akte* (St. Petersburg, 1880). (5) Goudes, *op. cit.* The documents published by Goudes belong to the later eleventh, and early twelfth century. (6) Rouillard and Collomp, *op. cit.* Only the volume containing the acts of Laura to the end of the twelfth century has thus far appeared as far as I know. But the volume which will contain the acts of Laura of the period of the Paleologi is in preparation and should appear in the not too distant future. See Rouillard, "Les actes de Laura a l'époque des Paléologues," in *Studi Bizantini e Neoellenici*, 5 (Rome, 1936) (*Atti del v Congresso internazionale di studi Bizantini, Roma 20-26 settembre, 1936*). (7) Th. Ouspensky and Benechevitch, *op. cit.* This collection contains the acts of the monastery of Vazalon, located not far from Trebizond. Most of the documents belong to the fourteenth and fifteenth centuries. (8) A. Soloviev and V. Mosin, *Sources for the history of southern Slavs. Series vi Sources in the Greek language. Book I: The Greek edicts of the Serbian rulers. The Serbian academy of sciences* (Belgrad, 1936). (9) N. Bees, *Σερβικὰ καὶ Βυζαντιὰ γράμματα Μετεώρων*, in *Βυζαντις*, 2 (Athens, 1911), 1-101. (10) P. Lemerle, *Actes de Kutlumus* (Paris, 1945).

Constantinople in 1261, became the new Byzantine empire, showed the greatest interest, generosity and benevolence toward the monasteries. Among these rulers, most outstanding in this respect were John III Dukas Vatatzes (1222–1254) and Michael VIII Palaeologus (1260–1282) who not long after his seizure of power became the restorer of the Byzantine empire and its first emperor. John Vatatzes was a good soldier, an efficient administrator and a wise ruler; he was also a pious Christian whom the Greek church has honored by giving him a place among its saints.¹³⁶ His benevolence for and generosity toward the monasteries was doubtless motivated to a considerable extent by his sincere piety. Michael Palaeologus was an entirely different individual. He was an adventurer without principles bent upon the acquisition of power. He showed great military ability, clever diplomacy, and vigor in government, but his wisdom as a ruler is questionable.¹³⁷ In his attitude toward the church he was Machiavellian, and it is doubtful if he was sincerely pious. The benevolence and generosity which he showed for the monasteries were not motivated by any deep-rooted religious conviction, but by a policy of opportunism, designed primarily to strengthen his position on the throne and to assure the succession of it by his family. Michael came to power by the way of usurpation and murder, and his first concern was to consolidate his position by generous distributions to the army, the people, the aristocracy and the clergy.¹³⁸ He was particularly anxious to win the support of the clergy because, as a competent modern Greek scholar has put it, "only the church would have still been able to clothe [him] with the cloak of legality . . . and the church alone, by legalizing [his] power would have been able also to influence the people."¹³⁹ Michael was conscious of the tremendous political influences which the monks wielded, and his gifts and favors to them were doubtless designed

¹³⁶ A. Heisenberg, "Kaiser Johannes Batatzes der Barmherzige," in *Byz. Zeitschrift*, 14 (Leipzig, 1905), 160–233; N. Festa, "A propos d'une biographie de saint Jean le Miséricordieux," in *Vizantiiskij Vremennik*, 13 (St. Petersburg, 1907), 1–35. See also Vasiliev, *History of the Byzantine empire*, 2:221 f.

¹³⁷ There is yet no good monograph on Michael Palaeologus. C. Chapman's book, *Michel Paléologue, restaurateur de l'empire byzantin (1261–1282)* (Paris, 1926), is poor and unreliable. I have now under preparation a monograph that will deal with the internal conditions of the empire during the reign of Michael Palaeologus.

¹³⁸ Pachymeres, *op. cit.*, 1:92. τὸ δὲ γε στρατιωτικὸν ὑπεραγαπᾶν, καὶ τὰς ἐκείνων προνοίας, κ' ἂν ἐν πολέμῳ πίπτοιεν, κ' ἂν ἀποθνήσκοιεν, γονικὰς ἐγκαθηστᾶν τοῖς παισὶ, κ' ἂν τισιν αἱ γυναῖκες κατὰ γαστρὸς ἔχοιεν τὸ κυφορούμενον. *Ibid.*, 1:97 f. καὶ τοὺς μὲν τῆς γερονσίας οὕτω μεγαλοπρεπῶς ἐθεράπευε, προνοίας τούτοις ἐπαύξων καὶ προστιθεὶς, καὶ χαίρειν ἀφίεις τοῖς πάσι, τῶν ἀγαθῶν τὰ μὲν λαμβάνουσι τὰ δ' ἐλπίζουσι τὸ δὲ στρατιωτικὸν τε καὶ τὴν πληθύν, τοὺς μὲν καθημεριναῖς φιλοτιμίαις ὠφέλλε, καὶ χρυσοβούλλοις τὰ ὑπεσχημένα τούτοις ἐπλήρου, καὶ πρὸς τὸ μέλλον εὐθυμοτέρους καθίστα ὡς ἀθανάτους τὰς τῆς ζωῆς προνοίας καὶ τὰ διδόμενα σιτηρέσια τοῖς παισὶν ἔξοντας, τοὺς δ' ἐθεράπευεν, ἀνοιγνὺς φυλακὰς καὶ χρεῶν δημοσίων ἀπολύων τοὺς ὠφληκότας.

¹³⁹ John Sycutres, "Περὶ τὸ σχίσμα τῶν Ἀρσενιατῶν," in *Ελληνικά*, 2 (Athens, 1929), 277.

to win their support. But he was a man also who did not hesitate to resort to persecutions if some element of his policy which he considered essential for the preservation of the state — as, for example, his policy of the union of the churches — was opposed and his efforts to remove the opposition by conciliatory means had failed.

In the relations between the state on the one hand and the church and the monasteries on the other there is no instance in the thirteenth century of any attempt by the state to confiscate or restrict the extension of the immovable property of the church and the monasteries. If anything, the state contributed in the extension of these properties. Monastic properties and the privileges enjoyed by the monasteries were confirmed, and new properties and privileges were granted to these monasteries by the special chrysobulls which the emperors of the thirteenth century issued from time to time. John Vatatzes restored the monastery of the Holy Virgin, located on Mount Lemvo, not far from Smyrna, granted to it important properties, including the entire village of Vare or Mela, and numerous privileges and exemptions.¹⁴⁰ Included among the exemptions was the freedom from all taxes and obligations, except the tax known as *agape* and that of *sitarkia*.¹⁴¹ A few years later the *sitarkia*, at least for one of the properties of the monastery, is also found among the exemptions enjoyed by Lemvo.¹⁴² When Michael Palaeologus came to power one of his first acts was to confirm the properties and privileges of the monastery of Lemvo.¹⁴³ Michael was most liberal in the issuance of chrysobulls to monasteries confirming their old possessions and privileges and granting them new ones. He says this himself in the charter (*typicon*) which he issued toward the end of his reign in favor of the monastery of Michael the Archangel, located in Mount Auxention (*Ka-ich-Dagh*) in Bithynia.¹⁴⁴ Among the monasteries to which such chrysobulls were issued were included, besides Lemvo, that of St. John the Theologian

¹⁴⁰ Miklosich et Müller, *op. cit.*, 4:1 ff. On the benevolence of John Vatatzes to monasteries and churches see also Gregoras, *Historia*, 1 (Bonn, 1829), 44 f.

¹⁴¹ *Agape* literally means love, but what was the tax called *agape*? As for the *sitarkia*, there is no general agreement among scholars. Vasilievsky (*op. cit.*, 210:366 f.) thinks that this was the general land tax and George Ostrogorsky follows him: "Die landliche Steuergemeinde des byzantinischen Reiches im X. Jahrh." in *Vierteljahrschrift für Sozial- und Wirtschaftsgeschichte*, 20 (Stuttgart, 1927), 50 f. Dölger on the other hand takes it to stand for the old Roman *annona*: F. Dölger, *Beiträge zur Geschichte der byzantinischen Finanzverwaltung*, 57 ff. I think Vasilievsky and Ostrogorsky are right. I shall discuss the problem of taxation in Byzantium in my book on Michael VIII that I am now preparing.

¹⁴² Miklosich et Müller, *op. cit.*, 4:45.

¹⁴³ *Ibid.*, 4:26 ff.

¹⁴⁴ M. J. Gedeon, *Μιχαὴλ Παλαιολόγου τυπικὸν τῆς ἐπὶ τοῦ βουνοῦ τοῦ Αὐξεντίου σεβασμίας μονῆς Μιχαὴλ τοῦ Ἀρχαγγέλου* (Athens, 1895), 53. Ἐπεὶ δὲ καὶ ἡμεῖς τὴν βασιλείον ἀναλαβόντες ἀρχὴν τὰς τῶν πρὸ ἡμῶν ἀοιδίμων βασιλείων διὰ χρυσοβούλλων δωρεὰς ἐν μοναστηρίοις, ἐκκλησίαις,

of Patmos,¹⁴⁵ that of Our Lady, better known as the *Nea Mone* in Chios,¹⁴⁶ that of Chilandari,¹⁴⁷ of Laura,¹⁴⁸ of Our Lady the Macrinitissa in Thessaly,¹⁴⁹ of Nea Petra,¹⁵⁰ located not far from Macrinitissa, and of others. Important land grants were made to St. John the Theologian of Patmos,¹⁵¹ Chilandari,¹⁵² and Nea Petra.¹⁵³ Michael himself rebuilt the monastery of St. Demetrius in Constantinople and endowed it heavily.¹⁵⁴ This monastery had been founded by George Palaeologus, but was destroyed, reduced to fine dust (*κόνιν λεπτήν*), as Michael himself says, during the Latin occupation. After its restoration by Michael, the monastery of St. Demetrius came to be known as the special monastery of the Palaeologi.¹⁵⁵ Michael's son and successor, Andronicus II, a man of sincere pious inclinations, was more generous than his father in his grants of land and privileges to monasteries.¹⁵⁶ Although, shortly after the end of the thirteenth century, because of the deterioration of the external position of the empire and the financial bankruptcy of the state he found it necessary to recall some of these grants.¹⁵⁷ The imperial grants which were made to the monasteries in the thirteenth century constituted the corner stone upon which the monasteries built by other means in the concentration of large properties in their hands.

πόλεσιν, ἄρχουσι, καὶ προσώποις ἑτέροις, ἀπαρallάκτως ἐστέρξαμεν τε καὶ ἐκυρώσαμεν, σὺν Θεῷ δὲ τὰς ἐκ τούτων πλείους καὶ ἐπηνέησαμεν. One of the first steps which Michael took when he re-occupied Constantinople in 1261 was to reestablish and reorganize the monasteries in Constantinople which had been destroyed during the Latin occupation. Pachymeres, *op. cit.*, 1:164. See also G. Rouillard, "La politique de Michel VIII Paléologue à l'égard de monastères," *Études Byzantines*, I (Paris, 1943), 73-84.

¹⁴⁵ Miklosich et Müller, *op. cit.*, 6:199 ff.

¹⁴⁶ *Ibid.*, 5:10 ff.

¹⁴⁷ Actes de l'Athos, *Vizantiiskij Vremennik*, *Prilozhnie k xvii tomu*, p. 18, no. 8.

¹⁴⁸ G. Rouillard, "Les Actes de Laura à l'époque des Paléologues," 301.

¹⁴⁹ Miklosich et Müller, *op. cit.*, 4:330 ff.

¹⁵⁰ *Ibid.*, 4:333 ff; 336 ff; 340 ff.

¹⁵¹ *Ibid.*, 6:200 ff; 232.

¹⁵² Actes de l'Athos, *Vizantiiskij Vremennik*, *Prilozhnie k xvii tomu*, p. 17, no. 7.

¹⁵³ Miklosich et Müller, *op. cit.*, 4:338.

¹⁵⁴ J. G. Troitzki, *Imp. Michaelis Palaeologi de vita sua opusculum necnom regulae quam monasterio S. Demetrii praescripsit fragmentum*, in *Khristianskoe Čtenie*, nos. 11-12 (St. Petersburg, 1885), 539. ἡ βασιλεία μου Θεοῦ χάριτι καὶ συνάρσει τοῦ Θεοῦ μάρτυρος Δημητρίου ἀνίστησι τὰ πεπτωκότα ταῦτα καὶ κατεσκαμμένα ἐλευθέρα χειρὶ καὶ δαπάνῃ, καὶ εἰς τὴν ἐξ ἀρχῆς ἐπανάγει εὐπρέπειαν, μοναστήριόν τε ἀναδείκνυσι, καὶ μοναχοὺς ἐγκατοικίζει πρὸς Θεοῦ εὐαρέστησιν κτήσεις τε τούτοις ἀφιεροῖ καὶ προσόδων προστίθῃσι ἀφορμάς, ἐξ ὧν ἔχοιεν ἂν δαπανᾶν καὶ τὰς ἄλλας ἀνάγκας ἀποπιμπλάναι τοῦ σώματος.

¹⁵⁵ Codinus, *De officiis* (Bonn, 1839), 80.

¹⁵⁶ For instance, in 1286 Andronicus II granted to the monastery of Zographou in the village of Lozikin 400 *modioi* of land. Actes de l'Athos, *Vizantiiskij Vremennik*, *Prilozhnie k xiii tomu*, p. 27, no. 10. The same emperor granted to the monastery of Chilandari some time before 1317, 200 *modioi*. *Vizan. Vrem.*, *Prilozhnie k xvii tomu*, p. 76. Many other examples can be given.

¹⁵⁷ See below, p. 111.

Among these means, purchases, donations by the faithful, and litigations were most productive of results. The general instability of the period, the continuous wars, the heavy taxes and the ruthlessness of the officials brought general ruin to the peasants and forced many of them to sell their possessions. Those who bought them were frequently the monasteries. Acts of sale preserved, which show the deplorable condition into which the small peasants were reduced by the general disturbances of the period, are numerous. For instance, in 1271 a certain Michael Martinus and his wife sold to the founders of the monastery of Nea Petra in Thessaly their only vineyard because, as they put it, the universal shortage of grain had reduced them into destitution and threatened them together with their young children with famine.¹⁵⁸ In the following year another peasant, Constantine Katzidones by name, sold his vineyard to the same monastery because the daily incursion which his region suffered reduced him into such a degree of poverty that his family did not have the necessary food. He wanted to use the proceeds from the sale of his vineyard to buy an oxen with which he might earn his living by plowing the fields of others.¹⁵⁹ Another person sold his mill to the same monastery, again because of the universal lack of grain which had continued for a long time. Poverty and loneliness were the reasons given by a woman, Zoe by name, for the sale of her property, again to the same monastery. The price paid for this property was fixed at five *nomismata*, but obviously it was worth much more than that, for it was stipulated in the act of sale that the monastery would accept Zoe as a nun, maintain her to the end of her life, and then give her a decent burial.¹⁶⁰ The almost continuous wars decimated entire families, and the property belong-

¹⁵⁸ Miklosich et Müller, 4:400. Καὶ γὰρ ἐπειδὴ ἀπὸ τῆς ἄγαν στενοχωρίας καὶ πτωχείας ἡμῶν τῆς προσγενομένης ἡμῖν ἐκ τῆς πολυχρονίου κοσμηκῆς σιτοδείας κατηντήσαμεν εἰς παντελεῖ ἀπορίαν ὡς καὶ αὐτῆς τῆς ἀναγκαίας τροφῆς ὑστερεῖσθαι, κ'αντεῦθεν κινδυνεύομεν λιμαγχονηθῆναι σὺν τοῖς ἀηλίοις παυσὶν ἡμῶν, διέγνωμεν ὡς ἐπὶ παντελεῖ διαπράσει ἐκποιήσασθαι τὸ γονικόν μου.

¹⁵⁹ *Ibid.*, 408. Καὶ γὰρ ἐπειδὴ ἀπὸ τῶν καθημερινῶν ἐφόδων τῶν ἐπερχομένων τῇ χώρᾳ ἡμῶν τῇ Βελεστίνου εἰς παντελεῖ ἀπορίαν κατηντήσαμεν γυμνιτεύοντες ὡς καὶ αὐτῆς σχεδὸν τῆς ἀναγκαίας τροφῆς ὑστερεῖσθαι, δεῖν φήθημεν καθ' ἑαυτοὺς συνδιασκεψάμενοι ἐκποιήσασθαι ἐπὶ παντελεῖ διαπράσει τὸ ἀμπέλιον ἡμῶν . . . καὶ διὰ τοῦ τιμήματος τούτου ἐξωνήσασθαι βοὺν ἀροτῆρα καὶ ἐργάζεσθαι τὴν βότεραν γῆν, ἵνα καὶ ἐκ τούτου τὴν ζωάρκειαν ἡμῶν ἔχωμεν ἀνυστέρητον. In the same year and for the same reason his brother John sold to the same monastery his vineyards. *Ibid.*, 410. Καὶ ἡμεῖς κατὰ τὸν βίον στενοχωρούμενοι ἐκ τῆς τὸ πᾶν συνεχούσης καιρικῆς τῶν πραγμάτων ἀνωμαλίας καὶ πολυχρονίου σιτοδείας . . . Poverty was the reason given by another peasant, Nicolas Bardas, for the sale of his vineyard to the monastery of Nea Petra. He too wanted to buy an ox with which he would cultivate the land in order to feed and cover himself. *Ibid.*, 403. Καὶ γὰρ ἐπειδὴ ἀπὸ τῆς προσούσης μοι στενοχωρίας καὶ πτωχείας καὶ γυμνότητος εἰς τὸν παρόντα ἐμπερίστατον καιρὸν ἠθέλησα ἐκποιήσασθαι ἐπὶ διαπράσει παντελεῖ τὸ παρ' ἐμοῦ νεμόμενον καὶ δεσποζόμενον γονικόν μου ἀμπέλιον . . . ὡς ἂν διὰ τοῦ τιμήματος τούτου ἐξωνήσωμαι βοὺν ἀροτῆρα καματηρὸν καὶ ἐργάζωμαι δι' αὐτοῦ καὶ κατασπέρω, εἴ τι ἰσχύσω, ἀλλὰ καὶ τὴν γύμνωσίν μου σκεπάσω . . .

¹⁶⁰ *Ibid.*, 393-396.

ing to such families was often donated to monasteries. A certain Maria Tzarchalina gave to the monastery of Vazalon, located not far from Trebizond, her property for the salvation of her soul, that of her husband and those of her parents, adding in the act of donation, however, that her five sons were in captivity, and that if they returned they were to have their shares, but if not, these shares too were to go to the monastery.¹⁶¹ Another woman, Anna Elaphinava by name, made the monastery of Vazalon the heir for half of her property, because she had been deprived of her relatives by the incursions of the enemy.¹⁶² The same monastery also obtained the property of the nun Anysia but it was stipulated that if her relatives returned from captivity they were to have their share.¹⁶³ Monasteries were especially anxious to obtain lands contiguous to their own. A certain Irene granted to the monastery of Lemvo a field of forty *modii* for the salvation of her soul after the monks appealed to her to let them have it because it was near to other fields which they already possessed.¹⁶⁴ In the village of Palatia, not far from Miletus, there was a field owned by peasants which gave access to the monastery of St. John. The founder of this monastery, a certain Koutzomanikos, had tried hard to obtain this field for the monastery, but the peasants refused to sell. Koutzomanikos, however, entered it among the properties of the monastery in the belief that the peasants would be eventually forced to sell or donate it to the monastery. But the peasants held on to their field while the monks, finding that it was listed among their properties, laid claims to it. The case was finally brought to the courts where a decision favorable to the peasants was rendered.¹⁶⁵

Litigations over property, initiated by the monks, were numerous. Recourse to the courts was indeed one of the principal weapons used by the monasteries to extend their properties. They held tenaciously to the slightest claim, carried the case to the courts again and again, and, if necessary to the emperor, until a decision favorable to them was rendered. The case involving the property of the Gunaropuli is the best illustration of this.

¹⁶¹ Th. Ouspensky and Benechevitch, *op. cit.*, 17. εἶναι δὲ καὶ οἱ πέντε μου παῖδες αἰχμαλωτοὶ. ἐάν ἔλθουν ἃς ἔχουν τὴν μοῖραν αὐτῶν. εἰ δ' οὐχί, ἃς εἶναι εἰς τὴν μονὴν ἀπὸ ὄρου καὶ ποταμοῦ, κήπου καὶ δένδρων, γῆς χερσαίας καὶ λιβαδίων.

¹⁶² *Ibid.*, 39. ἐπεὶ διὰ τῆς ἀπελεύσεως τῶν Ἀγαρηνῶν ἀπελείφθησαν οἱ κατὰ συγγενεῖαν μοι διαφέροντες etc.

¹⁶³ *Ibid.*, 57. Καὶ ἂν τύχη καὶ ἔρχονται τὰ αἰχμάλωτα μου, ἃς ἔχουν τὸ μερτικόν τους. ἡ δὲ ἐδικήμου μοῖρα ὅση με διαφέρει ἐξ ὀλοκλήρου ἀφήμι αὐτὰ εἰς τὴν σεβασμίαν μονὴν τῶν Ζαβουλῶν. εἰ δὲ καὶ οὐκ ἔρχονται τὰ αἰχμάλωτά μου ἃς εἶναι ὅλα τῆς μονῆς.

¹⁶⁴ Miklosich et Müller, *op. cit.*, 4:232. Τὴν σήμερον δὲ προσελθόντες οἱ μοναχοὶ καὶ παρακαλέσανται ἡμᾶς καὶ μνημόσυνον ἔχειν ἐπαγγειλάμενοι ἐν τῇ αὐτῶν μονῇ διὰ τὸ πλησιάζειν τὸ τοιοῦτον χωράφιον τῶν χωραφίων τῆς τοιαύτης μονῆς, ἀποχαρίζομεθα τοῦτο πρὸς τὴν αὐτὴν βασιλικὴν μονὴν ψυχικῆς ἔνεκα σωτηρίας ἡμῶν.

¹⁶⁵ *Ibid.*, 6:156.

Two brothers, Michael and John Gunaropulos, and their cousin Nicholas, possessed a number of fields in a place called Demosion which was located in the village of Vare or Mela in the neighborhood of Smyrna. However, the metropolitan of Smyrna disputed the possession of these fields and three of his tenant peasants (*paroikoi*) occupied them by force and refused to pay any rental. The Gunaropuli were the *paroikoi* of Basil Blatteros and they appealed to him for help. In June, 1207, Blatteros protested to the emperor on their behalf and the emperor ordered an investigation.¹⁶⁶ What the result of the investigation was is not known, but in November of the same year the Gunaropuli sold one fourth of their property in Demosion to Basil Blatteros for forty *nomismata*.¹⁶⁷ In the following year Nicholas Gunaropulos, now a monk by the name of Nicodemus, sold the rest of his property in Demosion to the family of Blatteros.¹⁶⁸ Whether his cousins also sold the rest of their property in Demosion is not definitely known but in 1225 Nicodemus, in affirming that he had sold all of his property in Demosion to Basil Blatteros, added that he had heard his cousins say that they too were about to sell to Blatteros what remained of their property in Demosion.¹⁶⁹ By 1230 the property formerly owned by the Gunaropuli passed into the hands of the *vestiarites* John Rabdokanakes, who had married the daughter of Blatteros, in the form of dowery.¹⁷⁰

Demosion, as has been said, was located in the village of Vare, known also as Mela, and that village had been granted to the monastery of Lemvo in 1228 by an imperial chrysobull.¹⁷¹ The monks of Lemvo understood the grant to include all the properties located in Vare, and consequently considered the property which the Blatteros family had bought from the Gunaropuli as belonging to them. They must have tried to take possession of this property not long after the grant of Vare was made to them, for in 1230 Rabdokanakes complained to the emperor that the monks of Lemvo were trying to seize his property in Demosion and asked for an imperial order that would confirm his rights to it. As Rabdokanakes was a person of some influence, he obtained the order, which, in addition to confirming his rights to the property in question, ordered the monks to stop trying to appropriate it for themselves.¹⁷² This order, however, did not stop the monks; they continued in their efforts to take possession of this property and in 1232

¹⁶⁶ *Ibid.*, 4:217 f. For date, F. Dölger, "Chronologischen u. Prosopographisches zur byz. Geschichte des 13. Jahrh.," p. 315, no. 131.

¹⁶⁷ Miklosich et Müller, *op. cit.*, 4:185 f.

¹⁶⁸ *Ibid.*, 183.

¹⁶⁹ *Ibid.*, 189 f.

¹⁷⁰ *Ibid.*, 218. For date, F. Dölger, "Chronologischen . . ." p. 315, no. 132.

¹⁷¹ Miklosich et Müller, *op. cit.*, 4:2.

¹⁷² *Ibid.*, 218. For date, F. Dölger, "Chronologischen . . ." p. 315, no. 132.

persuaded the emperor to issue another order,¹⁷³ which, in effect, canceled the one which had been issued on behalf of Rabdokanakes. Both he and his mother-in-law were ordered to get out of Vare and to stop molesting the monks, for Vare, once held by Blatteros as *pronoia*,¹⁷⁴ now belonged to the monastery.

But Rabdokanakes was a man as tenacious and influential as the monks. He again appealed to the emperor and again succeeded in obtaining an order confirming his rights to the property in question. The order was issued in June, 1233 and stated categorically that the property belonged to him without any question; that the monks had no right to it; and that if they continued to use it they had to pay the required rental for it.¹⁷⁵ But this order did not end the case, for the monks went back to the emperor. They did not contest the contention of Rabdokanakes that his father-in-law had bought the property from the Gunaropuli, but they maintained that the sale was fraudulent and illegal, for, at the time it was transacted, the Gunaropuli were the *paroikoi* of Blatteros. And they again pointed out that the property was located within the boundaries of the village of Vare and that village had been granted to them in its entirety. Apparently this time the emperor decided to settle the question once and for all, and instead of issuing another order, he instructed Demetrius Tornikes, an important official, to investigate the case and reach a final decision. After a careful investigation Tornikes rendered a decision favorable to the monastery. He based his decision on two different counts: (1) the original sale was illegal, firstly, because the Gunaropuli had no right to sell the land, for they possessed it as *paroikoi*, and secondly, because those subject to taxation could not sell the land which they occupied to those who held that land as *pronoia*; and (2) the land in question was located in the village of Vare, where the widows of John and Michael Gunaropulus still lived as *paroikoi*, and that village had been granted to the monastery.¹⁷⁶ A provision was included in the decision, however, to the effect that if Rabdokanakes would swear that his father-in-law had actually bought the land, then the monastery would be required to reimburse to him the exact amount that had been paid for the land. The

¹⁷³ Miklosich et Müller, *op. cit.*, 4:194 f. For date, F. Dölger, "Chronologischen . . ." p. 313, no. 111.

¹⁷⁴ We gather this from another document. Miklosich et Müller, 4:199.

¹⁷⁵ *Ibid.*, 219 f. For date, F. Dölger, "Chronologischen . . ." p. 315, no. 133.

¹⁷⁶ Miklosich et Müller, *op. cit.*, 4:199. διέγνω ὁ ῥηθεὶς ἀντάδελφος τῆς βασιλείας μου ὁ Κομνηνὸς καὶ ἀπεφύνατο, ὡς οὐκ ὤφειλον οἱ Γουναρόπουλοι διαπωλῆσαι πρὸς τὸν Βλαττερὸν τὴν τοιαύτην γῆν διὰ τὸ ὑπὸ παροικίαν τελεῖν ταύτην καὶ μὴ ὀφείλειν τοὺς ὑποτελεῖς πιπράσκειν τὰ παρ' αὐτῶν κατεχόμενα πρὸς τοὺς κατὰ λόγον προνοίας ἔχοντα αὐτὰ ὡς ὑπὸ τὴν τοῦ δημοσίου χεῖρα ἀείποτα τελούντα, καὶ διὰ τοῦτο δίκαιον ἐστὶ τὸ τὴν τοιαύτην γῆν κατέχεσθαι μὲν παρὰ τῆς μονῆς τῶν Δέμβων, ὡς οὖσαν ἀπὸ τῶν δικαίων τοῦ χωρίου αὐτοῦ.

decision of Tornikes was confirmed by an imperial order, issued in July, 1233.¹⁷⁷

The land which was recovered by the monastery was turned over to the Gunaropuli, who, as *paroikoi* of the monastery, owed to the latter certain services and obligations. Possibly under the instigation of Rabdokanakes, who seems not to have abandoned all hope of recovering this property, the Gunaropuli did not take immediate possession of the property but sought to transfer it to some other person. In August, 1234 an imperial order was issued to Constantine Lascares, Duke of the theme of Thrakesion, ordering him to revise the census book of the village of Vare, to register the *paroikoi* living there, to determine their status and taxes on the basis of their possessions, and not to permit the Gunaropuli to transfer the land, which they once sold to Blatteros and which was recently recovered by the monastery, to another person, something which they were trying to do. If the Gunaropuli wished to occupy the land themselves, they could do so, but they had to pay the taxes to the monastery and discharge all the obligations that a *paroikos* owed to his land. If, however, they were not able to take possession of it themselves, the land was to go to the monastery.¹⁷⁸ The Gunaropuli apparently were considered the owners of the land. What had been granted to the monastery were the taxes and other obligations to which the land was subject. The monastery was anxious to remove Rabdokanakes because he was an influential person who might have not only failed to discharge the various obligations to which the land in question was subject, but might have used that land as the nucleus for the acquisition of more at the expense of the monastery.

The case was finally and definitely settled in 1236. In that year, Rabdokanakes, his wife Anna, and his mother-in-law, gave to the monastery of Lemvo a written statement in which they declared that they had unjustly held the land in Demosion; that Blatteros had never bought that land, and that he had come in possession of it by violence. Consequently, they continued, their contentions in their long dispute with the monastery over this land were without any legal foundations. They declared further that whatever rights they might still have had in the village of Vare, they transferred to the monastery.¹⁷⁹ The victory of the monastery was complete. By 1250 it had absorbed all the property of the family of the Gunaropuli. In 1240 they had sold to it what fields they still possessed and in 1250 the vineyards which

¹⁷⁷ *Ibid.*, 198 f. For date, F. Dölger, "Chronologischen . . ." p. 314, no. 115.

¹⁷⁸ Miklosich et Müller, *op. cit.*, 4:182. For date, Dölger, "Chronologischen . . ." p. 313, no. 103.

¹⁷⁹ Miklosich et Müller, *op. cit.*, 4:192 f.

they still had in Demosion.¹⁸⁰ By an extraordinary tenacity the monks succeeded in removing the influence of a powerful individual and then absorbed the property of the small peasants.

Another case illustrating the determination of the monks to remove the influence of powerful individuals who might have encroached upon their possessions is that concerning the property called Sphourno, which consisted of land, a water mill and some fruit trees. Sphourno had been given to the monastery of Lemvo as a gift by a certain George Kaloeidas. It had originally belonged to the Constantinopolitan monastery of the Ruphinianoï which used to rent it but eventually passed into the hands of one called Kastomonites from whom it was obtained by Kaloeidas as dowry. The latter presented it to the monastery of Lemvo in 1234. The property was tax free.¹⁸¹

In 1205 when Henry of Flanders invaded Asia Minor Sphourno was occupied by peasants from the neighboring villages, located not far from Smyrna. After the departure of the Latins the peasants returned to their own villages, but some years later a number of them came back to Sphourno, with the consent and knowledge of their lord, as the place was virtually deserted.¹⁸² Then came the restoration of the monastery of Lemvo and Sphourno was given to it by its owner.

In 1235 a general inventory was made of the properties belonging to the monastery of Lemvo and it was found that three peasants from the nearby village of Potamos, *paroikoi* of Syrgares, an influential person who held extensive lands as *pronoae*, dwelled at Sphourno. The monks ordered them to go away, but the peasants refused and in this they were actively supported by Syrgares.¹⁸³ The monks appealed to the emperor, who ordered an investigation, declaring that if the peasants from Potamos had no right to dwell at Sphourno, they should be made to go. In their defense, which was guided by Syrgares, the peasants contended that they were occupying land formerly occupied by their fathers; that to the improvements made on this land by their fathers they had added their own; that they were thus able not only to meet the public charges, but also to grant a water mill to the monastery for the memory of their fathers; and that what the monks really wanted was to deprive them of their hereditary rights.¹⁸⁴ In the course of

¹⁸⁰ *Ibid.*, 195, 200.

¹⁸¹ *Ibid.*, 32–34.

¹⁸² *Ibid.*, 35.

¹⁸³ *Ibid.*, 7. εὐρέθησαν ἐν τῷ τοιούτῳ προαστείῳ τὰ Σφούρνον προσκαθήμενοι ἀμετόχως καὶ τρεῖς πάροικοι ἀπὸ τοῦ χωρίου τῶν Ποταμῶν, τελοῦντες ὑπὸ τὸν λίζιον βασιλικὸν καβαλλάριον τὸν Συργαρήν, οἵτινες καὶ ἐπεφωνήθησαν παρ' ἡμῶν ἐγερθῆναι ἀπὸ τῶν δικαίων τῆς μονῆς καὶ ἀπελθεῖν ἐνθα καὶ πρότερον ἐκάθηντο.

¹⁸⁴ *Ibid.*, 37. Ἐκπαλαὶ προσκαθήμενοι οἱ γονεῖς ἡμῶν εἰς τόπον τὸν ἐπιλεγόμενον τὰ Σφούρνον

the investigation, which took about a month, the villages of the neighborhood testified unfavorably for the peasants involved in the litigation and when the decision of the court was finally reached it called for the expulsion of the peasants from Sphourno but required the monastery to give them a small compensation for the grape arbors which they had planted in front of their huts.¹⁸⁵ The decision was confirmed by the emperor, January, 1236.¹⁸⁶ But a year later the case was opened again, for Syrgares and his tenant peasants had failed to abandon Sphourno. They demanded, besides the compensation which the court had decreed the previous year, land elsewhere where the peasants could settle. The court this time sided with the peasants, the monks accepted the decision and the case was definitely closed, May, 1237.¹⁸⁷

The examples given above are ample to illustrate the ways by which the monasteries accumulated their vast properties in the course of the thirteenth century. This process of accumulation continued on into the fourteenth century. The means remained the same. Among the Athonian acts and other monastic documents of the fourteenth century there are numerous chrysobulls granting land and privileges to monasteries, acts of sales attesting to the purchase of various properties by the monasteries, especially from peasants, acts of donations by the faithful, and acts of litigation and judicial decisions involving properties in which the monasteries were concerned. To cite these various documents individually is not only cumbersome but unnecessary.

The thirteenth century was for the Greeks a century of reconstruction. To drive the Latins out of Constantinople, to make that city again the capital of the empire and the seat of the patriarchate became the central idea of the policy of the Greeks both of Epirus and Nicaea. The events of 1204 had brought about the development of a kind of Greek nationalism, especially among the Greeks of Nicaea. Nicetas Choniates wrote in connection with the capture of Thessalonica by the Normans in 1185: "Thus between us and them [the Latins] a bottomless gulf of enmity has established itself; we cannot unite our souls and we entirely disagree with each other, although

καὶ εἰς αὐτὸν τὰ Ποταμοῦ καὶ συνεστήσαντο βελτιώματα καὶ ὡς εἶχομεν ταῦτα ἡμεῖς ἀπὸ τῶν γονέων μας, προσεπεκτησάμεθα καὶ ἕτερα ὑποστατικά, ὥστε δύνασθαι ἡμᾶς διδόναι τὰ ἀνήκοντα ἡμῖν τέλη καὶ δημοσιακὰ ζητήματα, εἰς δὲ τὴν μονὴν τῆς ὑπεραγίας θεοτόκου τῆς Λεμβιωτίσσης ἀπεχαρισάμεθα ὑδρομυλικὸν ἐργαστήριον εἰς μνημόσυνον τῶν γονέων ἡμῶν. τὰ νῦν δὲ ὁ κατηγοούμενος τῆς τοιαύτης μονῆς οὐκ ἀρκεῖται εἰς τὸν τόπον τοῦ ὑδρομυλικοῦ ἐργαστηρίου, ἀλλὰ πειράται ἐξωθῆσαι ἡμᾶς καὶ ἀπὸ τῶν γονικῶν ἡμῶν βελτιωμάτων.

¹⁸⁵ *Ibid.*, 39.

¹⁸⁶ *Ibid.*, 40.

¹⁸⁷ *Ibid.*, 41 ff.

we keep up our external relations and often live in the same house.”¹⁸⁸ This sentiment became much stronger following the capture of Constantinople in 1204; it was shared especially by the clergy, and this added to their prestige and power. It was the driving force in the political and religious, military and diplomatic activities of the Greeks. To restore their monasteries, to reestablish their church, to recover their capital — these became the primary objectives of the Greeks. To them they devoted all of their energy and resources. The growth of monasteries and monastic properties in the thirteenth century is to be explained at least in part by the driving desire to restore what the Latins had destroyed. A policy that would have restricted the growth of monastic properties or one that would have called for the confiscation of these properties was in the thirteenth century psychologically impossible.

In 1261 the Greeks finally reached their primary objective. Constantinople was again in their hands. The splendor that it had before 1204 was no longer there; this, of course, did matter, but what mattered more was that the Latins were out, and the queen city of the world could once again become the seat of the government and the patriarchate. No event in the history of Byzantium after 1204 gave greater satisfaction to the Greeks than the recovery of Constantinople in 1261. But if the recovery of Constantinople restored the Byzantine empire, the external dangers that that empire still faced were tremendous. The Latins did not abandon hope of recovering their losses and in the person of Charles of Anjou, whose ambition for power was unlimited and who, with the blessings of the pope had become the king of the kingdom of the two Sicilies, they found a powerful leader. Michael Palaeologus, doubtless the most energetic of the Byzantine emperors after 1261, had to devote all his energies and the resources of the empire to the task of keeping together what his predecessors and he had recovered from the Latins. This was not an easy task and in trying to achieve it he exhausted the resources of the empire, and, by his unwise policy of granting exceptional commercial privileges to the Genoese and Venetians in return for their naval aid, undermined the future economy of the state. With the aid of the Sicilian Vespers, which destroyed the power of Charles of Anjou in Sicily, the Latin danger was finally and definitely eliminated, but this did not mean peace and tranquillity for the empire, for in the meantime, other, and as it turned out, more formidable, enemies made their appearance.

¹⁸⁸ Nicetas Choniates, *op. cit.*, 391 f. οὕτω μέσον ἡμῶν καὶ αὐτῶν χάσμα διαφορᾶς ἐστήρικται μέγιστον, καὶ ταῖς γνώμαις ἀσυναφεῖς ἐσμέν, καὶ κατὰ διάμετρον ἀφεστήκαμεν, εἰ καὶ σώμασι συναπτόμεθα καὶ τὴν αὐτὴν πολλάκις εἰλήχειμεν οἴκησιν. I have used Vasiliev's translation, *History of the Byzantine Empire*, 2:94–95.

Michael Palaeologus was still alive when the empire began to lose ground both in Europe and in Asia Minor. In Europe the new antagonist was the Serbian king, Stephen Uroš II Milutin. Milutin had concluded an alliance with Charles of Anjou, and although the latter was never able to carry out his plans, Milutin took the field and in 1281 deprived Byzantium of northern Macedonia, including the town of Polog (Tetovo), and Skopje together with the surrounding country.¹⁸⁹ But more serious than the Serbian advance, was that of the Turks in Asia Minor. For the defense of the Byzantine possessions in Asia Minor the military policy of Michael Palaeologus and the concentration of his energies in Europe were fatal. The generations that saw the fall of Constantinople in 1453 attributed the beginning of the loss of Asia Minor to the reign of Michael Palaeologus.¹⁹⁰ Michael, indeed, by his confiscations of the holdings of the *akritoi* destroyed the morale of these frontier fighters¹⁹¹ and by the use of the troops settled in Asia Minor in the European campaigns virtually denuded Asia Minor of all troops, leaving it open to the ever increasing incursions of the various Turkish tribes. The Turks not only cleared the Byzantines from the southern bank of the Meander, but also established themselves on the northern bank, and in Bithynia other Turkish tribes reached the Sargarius and beyond, cutting all communications by land between Pontic Heraclea, Constantinople and the rest of Byzantine Asia Minor. According to Pachymeres only those fortresses located not far from the sea remained in the hands of the Byzantines.¹⁹² These things happened while Michael Palaeologus was still on the throne. With his death the situation went from bad to worse; nothing seemed to be able to stop the depredations of the Turkish tribes and the population sought safety by flight. Many settled in purely Slavonic regions in Europe, especially along the Bregalnica river.¹⁹³ Among those who fled many were soldiers who abandoned their holdings and sought to save their lives by crossing

¹⁸⁹ C. J. Jirecek, *Geschichte der Bulgaren* (Prague, 1876), 280 f.

¹⁹⁰ Phrantzes, *Chronicon* (Bonn, 1838), 23. ἐπὶ τῆς βασιλείας τοῦδε τοῦ αὐτοκράτορος διὰ τοὺς πολέμους τοὺς ἐν τῇ εὐρώπῃ παρὰ τῶν Ἰταλῶν ἀρχὴ τῶν δεινῶν τῆς ἐν Ἀσίᾳ Ῥωμαϊκῆς ἀρχῆς ἐγγένοι παρὰ τῶν Τούρκων.

¹⁹¹ On Michael's policy concerning the *akritoi*, Pachymeres, *op. cit.*, 1:18, 193 ff; Gregoras, *Historiae* (Bonn, 1829), 1:138. See also Mutařčiev, *op. cit.*, 102–105; Vasiliev, *History of the Byzantine empire*, 2:292–93.

¹⁹² Pachymeres, *op. cit.*, 1:311. Τῶν γὰρ δυνάμεων, πολλῶν τε καὶ θαυμαστῶν οὐσῶν, συγκατατριβομένων τοῖς δυσικοῖς καὶ κατ' ὀλίγον δαπανωμένων, τοῖς κατ' ἀνατολὴν τοσοῦτος ὁ κίνδυνος περιέστη, ὥστε μὴδ' εἰς αὐτὴν Ἡράκλειαν τὴν τοῦ Πόντου βαδίζειν εἶναι πεζῇ τοὺς ὁρμωμένους ἐκ πόλεως, τῶν ἐκείσε ὁρίων τῷ Σαγγάρει περικλεισθέντων, καὶ τῶν πέραν πάντων λείαν γεγονότων οὐ Μυσῶν ἀλλὰ γε Περσῶν. μόνα δὲ τὰ πρὸς θάλασσαν φρούρια κατελείφθησαν . . . ἃ δὲ εἰ μὴ τῇ θαλάσῃ προσεχρῶντο, καὶ ταῦτα, τῶν χωρῶν κατεχομένων τοῖς Πέρσαις, πάλοι ἂν ταῖς χώραις καὶ αὐτὰ συναπόλοντο. For the conquest of the Meander regions, *Ibid.*, 1:468. See also Gregoras, *op. cit.*, 1:138, 141.

¹⁹³ Jirecek, *op. cit.*, 221.

over into Europe.¹⁹⁴ By the beginning of the fourteenth century the situation had become very critical. The Turks kept sweeping the Greeks out of Asia Minor; the treasury was empty; the army demoralized; the resources limited. In the face of such a situation Andronicus II, a man about whose piety and friendliness for the monasteries there can be no doubt, decided to take over some of the property belonging to the church and the monasteries and use it to rebuild the army. Pachymeres wrote in this connection:¹⁹⁵

The affairs of the orient were steadily becoming worse. The news that the emperor received one day was worse than the terrible news which he received the day before . . . The announcements of the awful happenings left no time for the emperor to take counsel. There were no troops with which to meet the enemy. The army was not only weak; the soldiers, abandoning their holdings (*pronoiae*), turned to the west, trying only to save their lives. And to replace them by others, recruited by offering them a definite wage, was impossible. Nor was it proper to court the barbarians by negotiating with them. Besides, this was impossible for they were many and had different views. If one appeased some, he would be pillaged by the others. Under these circumstances there appeared but one remedy, to take away from the churches, the monasteries of more than one cell, and the imperial guard the lands which had been granted to them as *pronoiae*, and give them to soldiers so that, cleaving to them, they might stay and fight for what belonged to them. Wherefore the patriarch sent to the emperor an olive branch unaccompanied by any message, and this encouraged him somewhat that the church would not oppose his measure.

Since the reign of Alexius Comnenus this was the first measure taken by a Byzantine emperor to deprive the church and the monasteries of some of their property. It was decided upon not by any anti-monastic bias, but by the necessity to reconstruct the army. But the measure was a mild one. It provided for the recall only of lands which had been granted as *pronoiae* to the church and monasteries and by definition these lands were not the absolute property of the church and the monasteries. Granted as *pronoiae* by the government, they were subject to recall. To what extent the measure was carried out is not known. It does not seem that the huge properties of the monasteries were diminished by much. The measure, however, may have served as precedent for the other attempts that were made in the course of the fourteenth century to take over monastic properties in order to distribute them among the soldiers.

In the fourteenth century, besides the measure taken by Andronicus II, several other attempts were made to reorganize the army by increasing the number of the enrolled soldiers to whom land was given by the state. The land distributed to soldiers came from the public domain, but in extreme

¹⁹⁴ Pachymeres, *op. cit.*, 2:389. αἱ μὲν γὰρ Ρωμαϊκαὶ δυνάμεις οὐχ ὅπως ἐξησθένουν, ἀλλὰ καὶ προνοίας ἀπολωλεκότες, ἀνατολὴν φεύγοντες ἐπὶ δύσεως ὤρων, περιποιούμενοι ἑαυτοῖς μόνον τὸ ζῆν.

¹⁹⁵ *Ibid.*, 2:388–390. The translation given above is free.

cases it was also taken from private individuals.¹⁹⁶ Among the lands confiscated by the state for distribution to soldiers there were lands belonging to monasteries. In 1348 the great Serbian king, Stephen Dushan, issued a golden bull to the monastery of St. George of Zablantia, located not far from Trikkala in Thessaly, by which he restored to the monastery the village of Zablantia together with the *paroikoi* whom the Sebastocrator John had taken away from it and raised to the status of enrolled soldiers. The land which John gave to them was the same land which they occupied as tenants of the monastery, land, therefore, which belonged to the monastery.¹⁹⁷ But having been raised to the status of soldiers they became free men, with no obligations other than those of soldiers. Land and tenant peasants, therefore, were taken away from the monastery. This must have happened sometime after 1343, for in that year John the Sebastocrator was appointed governor of Thessaly by John Cantacuzenus.¹⁹⁸

If the realm of intellectual and artistic activity is excluded, the fourteenth century presents a sorry spectacle in the history of the Byzantine empire. From the beginning to the end it is filled with foreign invasions, dynastic revolutions and social conflicts. Its frontiers shrunk on every side, its commercial activity came completely under the domination of the Italians, whose arrogance reached the point of insolence, and most of the land still under its jurisdiction accumulated in the hands of the monasteries, the church and the court aristocracy. Meanwhile the barbarian invasions and the civil wars, the venality of the rich and the oppressiveness of taxation brought poverty and misery to the lower classes. The dynastic wars, especially the struggle between John Cantacuzenus and John V Palaeologus

¹⁹⁶ Mutafčiev, *op. cit.*, 9–10.

¹⁹⁷ N. A. Bees, “Σερβικὰ καὶ Βυζαντιὰ Γράμματα Μετεώρων,” in *Βυζαντις*, 2 (Athens, 1911–12), 59. “Ὅπερ [τὸ χωρίον Ζαβλάντια] ὁ σεβαστοκράτωρ ἐκεῖνος κὺρ Ἰωάννης ἀπέσπασε καὶ εἰς τὰ τῶν στρατιωτῶν ἀπεκατέστησε τοὺς ἐν αὐτῷ εὐρισκομένους παροίκους καὶ κατέχῃ τοῦτο μετὰ πάσης νομῆς καὶ περιοχῆς αὐτοῦ ὡς τὸ πρότερον. “Ἀπεκατέστησε,” I think, should be taken in the sense of established and not restored, as I. Bogiatzides understands it. According to him, the village of Zablantia was originally occupied by soldiers, but it was taken over by the monastery either by purchase or simple seizure, and the soldiers settled in it were reduced to the status of *paroikoi* of the monastery. What the Sebastocrator John did, therefore, was to raise these peasants to their former position of soldiers: I. Bogiatzides, “Τὸ χρονικὸν τῶν Μετεώρων,” in *Ἑπετηρὶς Ἑταιρείας Βυζαντινῶν Σπουδῶν*, 1 (Athens, 1924), 140 f. Although ἀπεκατέστησε could mean restored, there is no indication in the document that the tenant-peasants in question were formerly soldiers. It would be more natural to assume that they were, to begin with, tenant peasants whom the Sebastocrator John raised to the status of soldiers in which case “ἀπεκατέστησε” must be taken in its primary meaning of “established.” Cf. Mutafčiev, *op. cit.*, 12.

¹⁹⁸ Cantacuzenus, *Historiae* (Bonn, 1831), 2:312. Βασιλεὺς δὲ . . . ἔπεμπε τὸν ἀνεψιὸν Ἀγγελοῦ Ἰωάννην, ἐπίτροπον εἶναι Θεσσαλίας. Bogiatzides (*op. cit.*, 143) wrongly identifies John Sebastocrator of this document with John I Angelus, lord of the eastern part of the despotut of Epirus who died in 1289. Cf. Mutafčiev, *op. cit.*, 12.

touched off the discontent of the populace which smoldered underneath, and this led to a series of popular revolts, social in character, which put most of the cities of the empire in the hands of the people.¹⁹⁹ The most serious of these social upheavals took place in the city of Thessalonica where a group, known as the *zealots*, took the leadership of the populace, slaughtered the aristocracy in cold blood and seized control of the city. The regime which they established in Thessalonica may be described as an independent republic. The *zealots* kept control of Thessalonica from 1342 to 1349.

In coming into power the *zealots* had a definite social program. They wanted to revitalize the life of their community by ameliorating the conditions of the poor and the downtrodden. They wanted also to check the devastations of the marauding foreign armies by building a good army of their own. These objectives, however, could not be accomplished without money and the *zealots* turned to the only source available — the property of the nobles and the monasteries. The *zealots* themselves have left no record of their aims and objectives; what is known of them is derived from a pamphlet written by Nicolas Cabasilas, one of the enemies of the *zealots* who barely escaped with his life at the time of the revolt, who recorded them in order that he might refute them.²⁰⁰

According to Nicolas Cabasilas the *zealots* confiscated, at least in part, the property of the wealthy aristocracy and that of the monasteries, but they insisted that these confiscations had no other end in view than that of the public good. The property seized was used to feed and house the poor, to provide for the priests, to adorn the churches, to arm the soldiers, and to repair the walls of the city. "Is it terrible" they asked, "if, by taking a part of the goods dedicated to the monasteries, goods which are so plentiful, we feed some poor, provide for the priests and adorn the churches? That will cause them no harm, for that which remains suffices for their wants, and is not in contradiction with the thoughts of the original donors. They had no other aim than to serve God and nourish the poor. That is our purpose too." They urged that the protection of the walls and the laws of the city was the most urgent of all things and asked further: "How is it not better if with this money we arm soldiers who will die for these churches, for these laws,

¹⁹⁹ Concerning the popular revolts in the Byzantine empire during the fourteenth century, see P. Charanis, "Internal strife in Byzantium during the fourteenth century," in *Byzantion*, 15 (Boston, 1941), 208–230.

²⁰⁰ This pamphlet of Cabasilas is entitled, *Λόγοι περὶ τῶν παρανόμως τοῖς ἄρχουσι ἐπὶ τοῖς ἱεροῖς τολμωμένων*, and forms a part of *MS. gr. Paris, B.N., 1213*. It has not yet been published, but lengthy passages from it have been reproduced by Sathas (*Documents inédits relatifs à l'histoire de la Grèce au moyen âge*, vol. iv, p. xxvi, note 1) and by Tafrali (*Thessalonique au quatorzième siècle*, pp. 261 ff).

for these walls, than if these same sums were spent in vain by monks and priests whose table and other needs are slight, for they stay at home, live under shelter and expose themselves to no danger? What injustices do we commit if we seek to rebuild ruined houses, care for the fields and villages, and nourish those who are fighting for the freedom of these?"²⁰¹

The *zealots* were involved in the dynastic war between John Cantacuzenus and John V Palaeologus in which they supported the latter. With the end of that conflict there was an aristocratic reaction in Thessalonica and the regime of the *zealots* was overthrown. To what extent the *zealots* had carried out their program of confiscations and redistribution cannot be determined. What property had been confiscated during the civil war, however, seems to have been returned to the original owners by John Cantacuzenus, who, by virtue of the agreement which he concluded with Anne of Savoy, the empress-regent, in February, 1347 became co-emperor, with John V as his colleague. One of the first measures which he adopted was the restoration of all landed property confiscated during the war. And while the movable property was not returned to the original owners, they were compensated in some other way, although it is not stated in what this compensation consisted.²⁰² No further steps for the solution of the social problem were taken.

There still remained the problem of defense. In 1354 the Ottoman Turks definitely established themselves in Europe and began the systematic conquest of what lands the Byzantine empire still possessed. The Byzantine army was weak and there were no funds with which to reorganize it. In his desperation John V turned to the traditional Byzantine method of reorganizing the army by the distribution of land. His plan was to settle a number of soldiers along the coast between Constantinople and Selymbria. However, some of the land located there belonged to the church of Constantinople and as it was needed for the settlement of the soldiers, the emperor entered into negotiations with the patriarch to have it turned over to him. This was in 1367, and the document containing these negotiations has been preserved.

²⁰¹ MS. gr. Paris, 1213, fol. 246^v, cited by Sathas. Τὸ δεινὸν εἰ τῶν ἀνακειμένων τοῖς φροντιστηρίοις, πολλῶν ὄντων, λαβόντες ἓνα πένητας μὲν θρέψομεν, ἱερεῦσι δὲ χορηγήσομεν, νεῶς δὲ κοσμήσομεν; ταῦτα δὲ οὔτε βλάβος ἐκείνοις οἴσει, τῶν ἀπολειφθέντων ἀρκούντων τῇ χρείᾳ, καὶ τῇ γνώμῃ τῶν ἀναθεμένων ἐξ ἀρχῆς οὐδὲν ἀπάδον· ἐσκόπουσι δὲ οὐδὲν ἕτερον ἢ Θεὸν θεραπεύσαι καὶ πένητας θρέψαι· τοῦτο καὶ ἡμῖν τὸ ἔργον. Εἰ δὲ καὶ στρατιώτας ἀπὸ τούτων ὀπλίσομεν ὑπὲρ τῶν ἱερῶν τούτων καὶ τῶν νόμων καὶ τῶν τειχῶν ἀποθανουμένους, πῶς οὐ βέλτιον ἢ παρὰ μοναχῶν ταῦτα καὶ ἱερέων ἀναλοῦσθαι μάτην, οἷς μικρὰ μὲν πρὸς τὴν τράπεζαν ἀρκεῖ, μικρὰ δὲ πρὸς τὴν ἄλλην τοῦ βίου παρασκευήν, οἴκοι καθημένοι καὶ ὑπὸ στέγῃν ζῶσι καὶ πρὸς οὐδένα παραταττομένοις κίνδυνον; . . . Τὶ οὖν ἀδικοῦμεν, εἰ καθάπερ στέγην ἰάσασθαι καὶ οἰκίαν πίπτουσιν ἀνορθῶσαι, καὶ ἀγρῶν καὶ χωρῶν ἐπιμελεσθῆναι, τὸν ἴσον τρόπον καὶ τοὺς ὑπὲρ τῆς ἐλευθερίας ἀγωνιζομένους τρέφειν τε κελεύομεν;

²⁰² Cantacuzenus, *op. cit.*, 3:11.

It is one of the most interesting documents concerning the relations between church and state in the fourteenth century. Following is a translation of it.²⁰³

In the month of November . . . during the sixth indiction his majesty, our master and emperor, sent to our lord, the ecumenical patriarch, through the most beloved uncle of his majesty, the most highly honored among the monks, Macarios Glabas Tarchaneiotes, a message which said the following: "The holy emperor wishes to settle soldiers in the villages situated in the country between Constantinople and Selymbria. He wishes also to give to these soldiers all the fields and land located in these villages. And since two of these villages, that of Oeconomeion and Paspurus belong to the great church his majesty requests your holiness that they be released by it so that the holy emperor may get them and do with them that which he wishes [i.e., settle soldiers in them]. He intends to keep them for one year and if he does that which he wishes he will keep them longer and will grant to the church another revenue equal to that derived from these estates. But if he does not do that which he wishes he will return these properties to the church." To this our holy lord, the ecumenical patriarch replied: "I have no right to give to any one any church property whatsoever, for, according to the commands of the holy canons I am the guardian of this property. Of the revenue of it I am, indeed, the master and I may do with it what I may desire, but not of the capital and the estates; of these I am only the guardian. And for this reason I shall never do this" [i.e., give up these villages to the emperor]. By the direction of his holiness there assembled in synod the holy and right-honorable prelates . . . , the matter was put before them and they were requested to say what they thought about it. They all replied as if with one mouth that "neither our most holy lord, the ecumenical patriarch, nor his great and holy synod had the right to give any church property to any one, for the holy canons, which prohibit the bishops to give the property of the churches under their jurisdiction to any one, prohibit it. And for this reason, although we wish to do this, we cannot do it, being prohibited from doing it by the holy canons." To this the most beloved uncle of his majesty, our lord and emperor replied. "Since you do not give him [i.e. the emperor] these properties, then yield them to him that he may hold them as others hold them and sow in them and in return give to the church a share of the produce or a rental (*μωρηγή*). Let him have them on the same basis as the others, paying the rental to the great church." And to this the holy synod replied, "We cannot do this either, for it too is prohibited by the holy canons, which command that the property of the church should not be rented to any one among the powerful, not even to the emperor." In addition to these, our holy lord, the ecumenical patriarch, and his holy synod said: "We have no liberty to grant the property of the church to any one; even if we wanted to do so, we could not do it, and for this reason we do not at all release the properties in question. But if the holy emperor wishes to take them by his own power, to do with them what he has in mind, let him do so. He gave them to the church; let him take them if he wishes. He has the power to do concerning them what he wishes. We ourselves will in no way do this, i.e., give up these properties, by our own will."

This document is remarkable in several ways. Remarkable because it shows how uncertain the emperor was of his ability to settle soldiers on the land which he sought to obtain from the church. He wanted the land for one year; he would keep it longer if within that year he succeeded in settling

²⁰³ Miklosich et Müller, *op. cit.*, 1:507-508.

it with soldiers. He was not sure that he would succeed. Remarkable, because it shows the unwillingness of the church to undergo the slightest sacrifice for the defense of the empire. Contrast this with the attitude of the patriarch Athanasius I, who, instead of raising any objections, encouraged Andronicus II to take land away from the church and monasteries and distribute it among the soldiers. Remarkable finally, because it shows how timid John V was. What a contrast with the position taken by Alexius I Comnenus and his brother Isaac when they asked the church to yield some of its property for the defense of the empire following the capture of Durazzo by Robert Guiscard in 1083. "The Sebastocrator Isaac," writes Anna Comnena, "went up to the great House of God where he had convoked an assembly of all the clergy. The members of the Holy Synod who were fellow-councillors with the Patriarch were astounded at seeing him and asked him what brought him there. He replied, 'I have come to speak to you of a matter which will be of service in this terrible crisis, and will be the means of maintaining the army.' Thereupon he began reciting the Canons about 'superfluous Church vessels' and after saying a good deal about them, he concluded with the words, 'I am compelled to compel those whom I do not wish to compel.'"²⁰⁴ It was unfortunate indeed that in what was without a doubt the most critical period in the history of Byzantium the destinies of the state were in the hands of such a man as John V.

On September 26, 1371, an important battle was fought near the Maritza river between the Ottoman Turks under Murad and the Serbs under Ugleša. It was a brilliant victory for the Ottomans, and it opened the way for the conquest of the Balkans. Scholars have been puzzled why the Greeks, who a few years before had actively sought the help of the Serbs against the Ottomans, had now failed to coöperate with them in this important battle. It has been recently suggested that the failure of the Greeks in this connection must be attributed to the special circumstances which existed in Constantinople, and especially to the fact that neither John V nor his son Manuel had yet returned from Italy at the time of the battle.²⁰⁵ But whatever the real explanation may be, the truth is that the Greeks were really alarmed by the outcome of the battle. Alarmed is, indeed, the word which accurately describes their reaction, for one of the measures which they immediately took was to secularize half of the monastic estates and turn them into *pronoëae* in order to strengthen the defenses of the empire. For the

²⁰⁴ Anna Comnena, *op. cit.*, 1:228. I have used Dawes' translation. Elizabeth A. S. Dawes, *The Alexiad of the Princess Anna Comnena* (London, 1928), 118.

²⁰⁵ P. Charanis, "The strife among the Palaeoli and the Ottoman Turks," in *Byzantion*, 16 (Boston, 1928), 118.

same reason many of the immunities enjoyed by the monasteries were withdrawn, some of the old taxes, as, for instance, the *ἐννόμιον*, i.e., the tax on pastures, the *καπηλιατικόν*, i.e., the sales tax on wine, were reimposed, and new ones were added. This information is derived from a document discovered by V. Mošin in the archives of the Athonian monastery of Vatopedi. It is a copy of a *prostagma*, i.e. order, issued in December, 1408 by Manuel II Palaeologus by which he eased somewhat the economic situation of the monasteries. Part of the land which had been taken away from them immediately after the battle of the Maritza river was restored to them; the monasteries were also freed from the tax on pastures and that on the sale of wine.²⁰⁶ The issuance of this order was doubtless prompted by the erroneous belief that the Ottoman danger had disappeared as a result of the battle of Ancyra in 1402 and the civil wars among the sons of Bayazid that followed.

The accumulation of huge properties in the hands of the monasteries and the exemptions and privileges granted to these monasteries were, without a doubt, detrimental to the general welfare of Byzantine society, and reduced sharply the financial power of the state. But the direct losses which the treasury suffered because of the exemptions enjoyed by the monasteries were perhaps less serious than the losses suffered indirectly because of the virtual disappearance of the free peasant holdings, largely, if not entirely, through the accumulation of the huge monastic properties. The free peasant had been the bulwark of the state in its great days, as one of the emperors of the tenth century pointed out when he said that "it is the many, settled on the land, who provide for the general needs, who pay the taxes and furnish the army with its recruits. Everything falls when the many are wanting."²⁰⁷ There were still some free peasant proprietors in the fourteenth century, but in their social and economic conditions they were hardly distinguishable from the vast majority of their fellows who eked out their living as tenant peasants. The factors that brought about the depression of the peasant class were, of course, many, but the accumulation of the huge monastic properties was perhaps the most important. This was seen clearly by some of the emperors. Lacapenus included the administrators of monasteries among the powerful to whom it was prohibited to acquire the property of small peasants; Nicephorus Phocas, because he saw that the growth of

²⁰⁶ V. Mošin, "Δουλικὸν Ζευγάριον (Sur la question du servage à Byzance)" (in Russian) in *Annales de l'institut Kondakov*, 10 (Prague, 1938), 130. I give above the summary of the document as given by Mošin. Mošin has promised to publish the text, but as far as I know he has not done so yet.

²⁰⁷ Zachariae von Lingenthal, *op. cit.*, 3:247. ἡ γὰρ τῶν πολλῶν κατοικήσεις πολλὴν δείκνυσι τῆς χρείας τὴν ὠφέλειαν, τὴν τῶν δημοσίων συνεισφορὰν, τὴν τῶν στρατιωτικῶν λειτουργημάτων συντέλειαν ἃ πάντως ἀπολείψει τοῦ πλήθους ἐκλελοιπότης.

monastic properties reduced the economic productivity of the empire, went much further and prohibited the foundation of new houses and the extension of the immovable properties of the old ones; Basil II tried to protect the small peasant holdings by prohibiting the foundation of large monasteries in peasant communities and on peasant property. These measures were social in character, designed to improve the general welfare of Byzantine society, and indirectly to serve the interests of the state. The measures involving the confiscation of church and monastic properties taken by subsequent emperors were more restricted in their aim. They were taken primarily in order to meet some crisis, usually military in nature, and when that crisis was over they were relaxed. Neither the social legislations of the emperors of the tenth century nor the confiscatory measures of those who followed had any lasting effects. The monasteries with their huge properties survived the state.²⁰⁸

Why were these measures ineffective? It was because Byzantine society was far from being purely materialistic. Monasticism was an institution to which all the Byzantines, great and small, were fervently attached.²⁰⁹ Besides its spiritual attractions, monasticism offered certain other benefits which were of primary importance in the society of Byzantium. Monasteries were peaceful asylums as well as institutions of confinement. In case of trouble there were two alternatives for every emperor: the gallows or the monastery. Many are the Byzantine emperors who ended their lives peacefully behind the walls of a monastery. The same is true of many officials. One went to a monastery because he had lost everything in the world; another went there as a token of thankfulness to God because he had prospered. For many the question of burial was of fundamental importance, and as a ground for burial a monastery was much more preferable than any other place. Every Byzantine cherished the hope of finding his own monastery where he could retire in case of trouble or in old age, and where he could be buried when he died. Not many were those who had the means to build a monastery and who did not build one. That is the reason why so many monastic houses with many lands and other property came into existence in Byzantium. To check by legislation an institution as deeply rooted in society as monasticism was in Byzantium was impossible.

²⁰⁸ According to a French scholar about one half of the territory of the empire when the empire was ended by the Turks belonged to the church and monasteries. Ferradou, *op. cit.*, 165.

²⁰⁹ Concerning the various reasons for this fervent attachment to monasticism see the excellent account by Skabalanovich, *op. cit.*, 426 ff.